

[Charles.Brumfield@eaglered.com](mailto:Charles.Brumfield@eaglered.com)



**From:** Cathy Thompson Wilson [<mailto:Cathy.Thompson@LA.GOV>]

**Sent:** Monday, April 27, 2015 2:07 PM

**To:** Charles Brumfield

**Subject:** AI 195964 PER20150001

Not sure about the weather there, I know a lot of power outages are being reported. Just reminding you to email me the changes we talked about this morning concerning the loading hours and throughput. Take care and thanks.

## Appointment

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**From:** Galbraith, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ABF7F5C1A5E462E8096CB58EF9757EB-MGALBRAI]  
**Sent:** 9/15/2017 11:42:52 AM  
**To:** Galbraith, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0abf7f5c1a5e462e8096cb58ef9757eb-MGALBRAI]; Atagi, Tracy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ebcfd670077440dfb63a691749f20af2-TATAGI]; Gerhard, Sasha [Gerhard.Sasha@epa.gov]; Behan, Frank [Behan.Frank@epa.gov]  
**CC:** Kohler, Amanda [Kohler.Amanda@epa.gov]; Young, Jessica [Young.Jessica@epa.gov]  
**Subject:** tdu meeting recap, next steps  
**Location:** DCRoomPYS6100Projector/DC-Potomac-Yard-South-ORCR  
**Start:** 9/19/2017 3:30:00 PM  
**End:** 9/19/2017 4:30:00 PM  
**Show Time As:** Busy  
  
**Recurrence:** (none)

## Appointment

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**From:** Galbraith, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ABF7F5C1A5E462E8096CB58EF9757EB-MGALBRAI]  
**Sent:** 7/6/2017 7:33:18 PM  
**To:** Galbraith, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0abf7f5c1a5e462e8096cb58ef9757eb-MGALBRAI]; Devlin, Betsy [Devlin.Betsy@epa.gov]; Sasseville, Sonya [Sasseville.Sonya@epa.gov]; Elliott, Ross [Elliott.Ross@epa.gov]; Guernica, Mimi [Guernica.Mimi@epa.gov]; Kohler, Amanda [Kohler.Amanda@epa.gov]; Young, Jessica [Young.Jessica@epa.gov]; Behan, Frank [Behan.Frank@epa.gov]; Sager, John [Sager.John@epa.gov]; Atagi, Tracy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ebcfd670077440dfb63a691749f20af2-TATAGI]  
**CC:** Chang, Patrick [Chang.Patrick@epa.gov]; Celeste, Laurel [celeste.laurel@epa.gov]; Swetland-Johnson, Karen [Swetland-Johnson.Karen@epa.gov]  
**Subject:** Tradebe and TDUs  
**Location:** DCRoomPYS6100Projector/DC-Potomac-Yard-South-ORCR  
**Start:** 7/27/2017 7:00:00 PM  
**End:** 7/27/2017 8:00:00 PM  
**Show Time As:** Busy

DD Prebrief for OD brief scheduled for august 3 regarding tradebe

## Agenda – June 20, 2017

The following issues will be discussed:

### **1. Call Schedule and Participants List**

Frank Behan (EPA/ORCR; behan.frank@epa.gov; 703-308-8476)

### **2. Facilities with Thermal Desorption Units (TDUs) followed by Condensers**

Mike Galbraith (EPA/ORCR; galbraith.mike@epa.gov; 703-605-0567)

Headquarters has been receiving inquiries about facilities that utilize thermal desorption units (TDUs) followed by condensers to recover, for example, hazardous waste-derived fuels, exempt used oil fuel or petroleum refinery inputs, or other exempt products (e.g., degreasers). Below is a list of facilities that we know of that may utilize TDUs and condensers. We would like to know if regions/states know of other facilities that take hazardous waste for processing in TDU's where the volatilized gases are subsequently routed thru condensers to produce some type of product. For purposes of this inquiry, it does not matter if the TDU's/condensers or subsequent pollution control equipment were determined to need a RCRA treatment permit.

- TDX/US Ecology (Robstown, TX)
- Rineco - closed - (Benton, AK)
- Chemical Waste Management (Oregon)
- Chemical Waste Management (Sulphur, LA)
- Clean Harbors (Region 6?)
- Thermaldyne (LA)
- Tradebe (East Chicago)
- Elcon Recycling (PA)
- Philips66 (exempt per 40 CFR 261.4(a)(12)(i) ? - Region 6)
- Marathon (exempt per 40 CFR 261.4(a)(12)(i) ? -Region 6)
- Shell (exempt per 40 CFR 261.4(a)(12)(i) ? - Region 6)

### **3. BIF PM and Non-Mercury Metals Emission Controls for a Boiler**

Katherine O'Neal (NC DEQ; Katherine.oneal@ncdenr.gov; 919-707-8209)

A facility in North Carolina could not meet the hazardous waste MACT standard for their new boiler and is pursuing a RCRA permit and must conduct a risk assessment. They assert in their most recent Class 3 modification submittal that they meet the Adjusted Tier I standards and only need to meet the operating requirements in 40 CFR 266.102(e)(4) which include:

- Total feed rate of each metal to the boiler
- Total feed rate of each hazardous waste



- An appropriate sampling and analysis program.

They did correctly determine the Adjusted Tier I limits for boiler #7 and they can meet the Adjusted Tier I feed rate limits per the rules for each metal.

However, they need to depend on the APCE and system removal to meet the emission rates modeled in the risk assessment. That is, the risk based feed rate limits depend on the SRE and site specific air modeling.

My question is: Does the facility officially need to meet Adjusted Tier I operating limits or the Tier III operating limits in 40 CFR 266.102?

I asked Region 4 this question last year and they agree the facility should meet Tier III standards. The facility has been told this, yet has gone back to claiming they should only be required to be Adjusted Tier I and only meet those operating standards. They have an issue with some of the Tier III operating standards and don't think they should be required to provide those specific limits.

I would like to know if there was a similar situation in the past and if anyone knows of policy decisions or preamble discussions addressing whether a facility is Tier IA or Tier III when they need the APCE to meet risk based limits.

#### **4. Additional Regional/State Issues**

## Appointment

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**From:** Galbraith, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ABF7F5C1A5E462E8096CB58EF9757EB-MGALBRAI]  
**Sent:** 6/6/2017 1:06:01 PM  
**To:** Galbraith, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0abf7f5c1a5e462e8096cb58ef9757eb-MGALBRAI]; Atagi, Tracy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ebcfd670077440dfb63a691749f20af2-TATAGI]; Behan, Frank [Behan.Frank@epa.gov]; Gerhard, Sasha [Gerhard.Sasha@epa.gov]  
**Subject:** tdu round 3  
**Location:** DCRoomPYS6731/DC-Potomac-Yard-South-ORCR  
**Start:** 6/7/2017 1:00:00 PM  
**End:** 6/7/2017 2:00:00 PM  
**Show Time As:** Busy

## Appointment

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**From:** Galbraith, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ABF7F5C1A5E462E8096CB58EF9757EB-MGALBRAI]  
**Sent:** 5/18/2017 11:17:51 AM  
**To:** Galbraith, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0abf7f5c1a5e462e8096cb58ef9757eb-MGALBRAI]; Behan, Frank [Behan.Frank@epa.gov]; Atagi, Tracy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ebcfd670077440dfb63a691749f20af2-TATAGI]  
**Subject:** tdu brainstorm part 2  
**Location:** DCRoomPYS6811VTC/DC-Potomac-Yard-South-ORCR  
**Start:** 5/23/2017 3:30:00 PM  
**End:** 5/23/2017 4:30:00 PM  
**Show Time As:** Busy

## Appointment

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**From:** Lee, Jae [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6E8957DA9F254AAB83632814F05D1CD2-JLEE10]  
**Sent:** 4/17/2017 2:13:24 PM  
**To:** Lee, Jae [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6e8957da9f254aab83632814f05d1cd2-JLee10]; Valentino, Michael [Valentino.Michael@epa.gov]; Galbraith, Michael [Galbraith.Michael@epa.gov]; Setnicar, Mary [Setnicar.Mary@epa.gov]; John Naddy [JNADDY@idem.IN.gov]  
**CC:** Behan, Frank [Behan.Frank@epa.gov]; Kohler, Amanda [Kohler.Amanda@epa.gov]; Young, Jessica [Young.Jessica@epa.gov]; Atagi, Tracy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ebcfd670077440dfb63a691749f20af2-TATAGI]  
**Subject:** Fw: Tradebe Discussion  
**Location:** 1712  
  
**Start:** 4/18/2017 6:00:00 PM  
**End:** 4/18/2017 7:00:00 PM  
**Show Time As:** Busy

Mike Galbraith  
Permits Branch (5303P)  
Program Implementation/Information Division  
Office of Resource Conservation and Recovery  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

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**From:** Lee, Jae  
**Sent:** Monday, April 17, 2017 10:05 AM  
**To:** Valentino, Michael; Galbraith, Michael; Setnicar, Mary; John Naddy  
**Subject:** Tradebe Discussion  
**When:** Tuesday, April 18, 2017 2:00 PM-3:00 PM.  
**Where:** 1712

## Appointment

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**From:** Galbraith, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ABF7F5C1A5E462E8096CB58EF9757EB-MGALBRAI]  
**Sent:** 1/19/2017 6:11:21 PM  
**To:** Galbraith, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0abf7f5c1a5e462e8096cb58ef9757eb-MGALBRAI]; Celeste, Laurel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8f5194a050ce4b758e02e6835fe0b43d-Celeste, Laurel]; Atagi, Tracy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ebcfd670077440dfb63a691749f20af2-TATAGI]; Elliott, Ross [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=33cb08013cc94c21a3e3236dbad4c4a4-REELLIOT]; Kohler, Amanda [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=665a6cdd3371457fb03d5184f58f7a4a-Kohler, Amanda]; Young, Jessica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=26404c78d3dc441f810ac723cf8f9d49-JBIEGELS]; Chang, Patrick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=45068ffdd29e4ae699263be4219d70a0-Chang, Patrick]; Cioffi, Frank [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=Cioffi, Frank]  
**CC:** Behan, Frank [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b37b3a6d67644ad3bf5717d99610941e-FBEHAN]  
**Subject:** meeting to discuss ETC's concerns about Tradebe  
**Location:** DCRoomPYS6100Projector/DC-Potomac-Yard-South-ORCR  
**Start:** 1/25/2017 6:00:00 PM  
**End:** 1/25/2017 7:00:00 PM  
**Show Time As:** Busy  
**Recurrence:** (none)

Mike and Tracy to get Laurel up to speed on ETC's concerns regarding tradebe.

Others in orcr were invited as optional or fyi (I used to know how to do that on meeting invites, but for some reason I can't do that now.....)

This was the only time slot before 2 that was available for tracy, mike and laurel. If we need a call in number, let me know.



MAY - 6 2015

## AIR PERMIT ROUTING/APPROVAL SLIP-Permits



|              |             |            |                     |                  |   |
|--------------|-------------|------------|---------------------|------------------|---|
| AI No.       | 195964      | Company    | Port Allen Land LLC | Date Received    | 3/25/2015   |
| Activity No. | PER20150001 | Facility   | Port Allen Facility | Permit Type      | State Minor Mod   |
| CDS No.      | 3120-00115  | Permit No. | 3120-00115-00       | Expedited Permit | <input checked="" type="checkbox"/> yes <input type="checkbox"/> no |

| 1. Technical Review                   | Approved | Date rec'd | Date FW | Comments    |
|---------------------------------------|----------|------------|---------|-------------|
| Permit Writer                         | CEW      | 3/26/15    | 4/28/15 |             |
| Air Quality / Modeling                |          |            |         |             |
| Toxics                                |          |            |         |             |
| Technical Advisor                     | Dan      |            | 4/30/15 |             |
| Supervisor                            | RH       |            | 4/30/15 | OK as noted |
| Other                                 |          |            |         |             |
| 2. Management Review (if PN req'd)    | Approved | Date rec'd | Date FW | Comments    |
| Supervisor                            |          |            |         |             |
| Manager                               |          |            |         |             |
| Assistant Secretary (PN)              |          |            |         |             |
| 3. Response to Comments (if PN req'd) | Approved | Date rec'd | Date FW | Comments    |
| Supervisor                            |          |            |         |             |
| Manager                               |          |            |         |             |
| Administrator                         |          |            |         |             |
| Legal (BFD)                           |          |            |         |             |
| 4. Final Approval                     | Approved | Date rec'd | Date FW | Comments    |
| Supervisor                            |          |            |         |             |
| Manager                               |          |            |         |             |
| Administrator                         | CSN      |            | 5/4/15  |             |
| Assistant Secretary                   | MBT      |            |         |             |

|                     |   |                   |   |                |   |
|---------------------|---|-------------------|---|----------------|---|
| 1. Technical Review |   |                   |   |                |   |
| PN of App needed    | <input type="checkbox"/> yes <input checked="" type="checkbox"/> no | Date of PN of App |   | Newspaper      |   |
| Fee paid            | <input checked="" type="checkbox"/> yes <input type="checkbox"/> no |                   |   |                |   |
| NSPS applies        | <input type="checkbox"/> yes <input checked="" type="checkbox"/> no | PSD/NNSR applies  | <input type="checkbox"/> yes <input checked="" type="checkbox"/> no | NESHAP applies | <input type="checkbox"/> yes <input checked="" type="checkbox"/> no |

|                               |  |             |  |                  |  |
|-------------------------------|--|-------------|--|------------------|--|
| 2. Post-Technical Review      |  |             |  |                  |  |
| Company technical review      | <input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> n/a | E-mail date |  | Remarks received | <input type="checkbox"/> yes <input type="checkbox"/> no |
| Surveillance technical review | <input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> n/a | E-mail date |  | Remarks received | <input type="checkbox"/> yes <input type="checkbox"/> no |

|                                  |   |         |  |                   |  |
|----------------------------------|---|---------|--|-------------------|--|
| 3. Public Notice                 |   |         |  |                   |  |
| Public Notice Required           | <input type="checkbox"/> yes <input checked="" type="checkbox"/> no |         |  |                   |  |
| Library                          |   |         |  |                   |  |
| PN newspaper 1/City              | The Advocate/Baton Rouge  | PN Date |  | EDMS Verification | <input type="checkbox"/> yes <input type="checkbox"/> no |
| PN newspaper 2/City              |   | PN Date |  | EDMS Verification | <input type="checkbox"/> yes <input type="checkbox"/> no |
| Company notification letter sent | Date mailed   |         |  |                   |  |
| EPA PN notification e-mail sent  | Date e-mailed   |         |  |                   |  |
| OES PN mailout                   | Date  |         |  |                   |  |

|                           |  |                                    |  |                                   |  |
|---------------------------|--|------------------------------------|--|-----------------------------------|--|
| 4. Final Review           |  |                                    |  |                                   |  |
| Public comments received  | <input type="checkbox"/> yes <input type="checkbox"/> no | EPA comments rec'd                 | <input type="checkbox"/> yes <input type="checkbox"/> no | Date EPA Resp. to Comments-mailed |  |
| Company comments received | <input type="checkbox"/> yes <input type="checkbox"/> no | PN info entered into Permit Sec VI | <input type="checkbox"/> yes <input type="checkbox"/> no | Date EPA approved permit          |  |
| Comments                  |  |                                    |  |                                   |  |

**BOBBY JINDAL**  
GOVERNOR



**PEGGY M. HATCH**  
SECRETARY

**State of Louisiana**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**ENVIRONMENTAL SERVICES**

Certified Mail No.: 7014 0510 0002 3394 7206

Activity No.: PER20150001  
Agency Interest No.: 195964

Mr. Mike Yawn  
CEO, Port Allen Land LLC  
2300 Trowbridge Rd  
Albany, GA 31707

RE: Permit, Port Allen Land LLC, Port Allen Facility  
Port Allen, West Baton Rouge Parish, Louisiana

Dear Mr. Yawn:

This is to inform you that the permit request for the above referenced facility has been approved under LAC 33:III.501. The submittal was approved on the basis of the emissions reported and the approval in no way guarantees the design scheme presented will be capable of controlling the emissions as to the types and quantities stated. A new application must be submitted if the reported emissions are exceeded after operations begin. The synopsis, data sheets, and conditions are attached herewith.

It will be considered a violation of the permit if all proposed control measures and/or equipment are not installed and properly operated and maintained as specified in the application.

Also enclosed is a document entitled "General Information." Please be advised that this document contains a summary of facility-level information contained in LDEQ's TEMPO database and is not considered a part of the permit. Please review the information contained in this document for accuracy and completeness. If any changes are required or if you have questions regarding this document, you may email your changes to [facupdate@la.gov](mailto:facupdate@la.gov).

Operation of this facility is hereby authorized under the terms and conditions of this permit. This authorization shall expire at midnight, ten years from the issue date below, unless a timely and complete renewal application has been submitted six months prior to expiration. Terms and conditions of this permit shall remain in effect until such time as the permitting authority takes final action on the application for permit renewal. The permit number and agency interest number cited above should be referenced in future correspondence regarding this facility.

Please be advised that pursuant to provisions of the Environmental Quality Act and the Administrative Procedure Act, the Department may initiate review of a permit during its term. However, before it takes any action to modify, suspend or revoke a permit, the Department shall, in accordance with applicable statutes and regulations, notify the permittee by mail of the facts or operational conduct that warrant the intended action and provide the permittee with the opportunity to demonstrate compliance with all lawful requirements for the retention of the effective permit.

The permit number cited below and agency interest number cited above should be referenced in future correspondence regarding this facility.

Done this 4 day of May, 2015.

Permit No.: 3120-00115-00

Sincerely,

Handwritten signature of Tegan B. Treadaway in black ink.

Tegan B. Treadaway  
Assistant Secretary  
TBT:cw



**AIR PERMIT BRIEFING SHEET**  
**AIR PERMITS DIVISION**  
**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**

**Port Allen Land LLC**  
**Agency Interest No.: 195964**  
**Port Allen Land LLC**  
**Port Allen, West Baton Rouge Parish, Louisiana**

**I. BACKGROUND**

Port Allen Land LLC (PAL), Port Allen Facility, is proposing to build and operate an indirect fired Thermal Desorption Unit (TDU), which will be located on the west bank of the Mississippi River in Port Allen, West Baton Rouge Parish, Louisiana. The facility will process non- hazardous materials to recover and recycle valuable materials. These materials can include oil-bearing secondary wastes, sludges, and other oilfield and refinery materials.

**II. ORIGIN**

A permit application and Emissions Inventory Questionnaire (EIQ) dated March 25, 2015, were received requesting a permit. Additional information dated April 7, 21 and 27, 2015, was also received.

**III. DESCRIPTION**

Port Allen Land, LLC (PAL), is proposing to build and operate an indirect fired Thermal Desorption Unit (TDU), which will process a variety of petroleum and oil-bearing materials to recover and recycle useful hydrocarbon materials that would otherwise be disposed of in a landfill.

The petroleum materials will be fed to an indirect-fired, natural gas fueled TDU where the hydrocarbons will be liberated from the substrate materials by raising them beyond their boiling points to about 900 degrees Fahrenheit. Heavier materials such as any metals and inert materials will drop out of the dryer in solid form. The vent stream carrying the hydrocarbons will pass through a series of recovery equipment including a cyclone, hydroclone, and a venturi scrubber. Any remaining constituents of the vent stream will be processed through an acid gas scrubber and a thermal oxidizer. The clean effluent gas from the oxidizer will be routed back to the shell of the dryer for increased thermal efficiency. Water from the scrubber will be routed through the water treatment system where additional material recovery will occur. The materials recovered will include clean solid substrates and liquid hydrocarbons.

The thermal oxidizer will control the emissions from the desorber vent, oil water separator, and the storage tanks at the facility and is designed to operate with a better than 99.9% destruction efficiency, but for conservative reasons, the efficiency will be set at 99%. Emissions of residual hydrocarbons will be very small.

The majority of the hydrocarbons that are present in the feed materials will be recovered in the process. The small amounts of lighter hydrocarbons that cannot be recovered are controlled in



**AIR PERMIT BRIEFING SHEET**  
**AIR PERMITS DIVISION**  
**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**

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**Port Allen Land LLC**  
**Agency Interest No.: 195964**  
**Port Allen Land LLC**  
**Port Allen, West Baton Rouge Parish, Louisiana**

the thermal oxidizer. Additionally, there is a vent stream containing recovered hydrocarbons that is routed to the recovery equipment and then to the control equipment. After passing through the oxidizer, this hot vent stream will be passed through the shell of the desorber to increase desorber energy efficiency.

The process water will be sent through an oil separator to recover additional hydrocarbon materials. These materials will be added to the recovered oil for re-sale.

Recovered hydrocarbons and in-process waste water will be stored in tanks. The hydrocarbons will be sold offsite and the water will be treated and returned to the process.

The TDU will operate at 40 MMBTU per hour. The triple shell indirect-fired rotary desorber will heat the materials being fed without direct contact. The desorber is fired by natural gas.

Recovered hydrocarbons will be equivalent to lube oil in physical characteristics. This material will be loaded into tank trucks periodically for sale to other users.

The baghouse controls any particulate emissions that originate from the solids cooling and controlling auger. It will be used to remove the majority of any particulates that are generated during the solids recovery process.

A package boiler will be utilized to generate steam for use in heating the heavier sludge materials to increase the ability to move these through the process.

Non-specified area sources can generate fugitive emissions from equipment that is in potential VOC service. These emissions are very small. Other emissions are from insignificant activities.

There are no other facilities owned by PAL and contiguous with the TDU facility.

**AIR PERMIT BRIEFING SHEET  
AIR PERMITS DIVISION  
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**

**Port Allen Land LLC  
Agency Interest No.: 195964  
Port Allen Land LLC  
Port Allen, West Baton Rouge Parish, Louisiana**

Estimated emissions from this facility in tons per year are as follows:

| Pollutant         | Emissions (TPY) |
|-------------------|-----------------|
| PM <sub>10</sub>  | 4.57            |
| PM <sub>2.5</sub> | 4.57            |
| SO <sub>2</sub>   | 0.14            |
| NO <sub>x</sub>   | 11.81           |
| CO                | 18.03           |
| VOC               | 12.25           |

LAC 33:III Chapter 51 Toxic Air Pollutants (TAPs)\*:

| Pollutant              | Emissions (TPY) |
|------------------------|-----------------|
| Benzene                | 0.41            |
| 1,2,4-Trichlorobenzene | 0.02            |
| Total                  | *               |

#### IV. TYPE OF REVIEW

This permit was reviewed for compliance with Louisiana Air Quality Regulations. New Source Performance Standards (NSPS), and National Emission Standards for Hazardous Air Pollutants (NESHAP). Prevention of Significant Deterioration (PSD)/Non-attainment New Source Review (NNSR) do not apply.

\*This proposed facility will be a minor source of LAC 33:III.Chapter 51 Toxic Air Pollutants (TAPs). The Port Allen Facility is being permitted to service a wide variety of non-hazardous materials that can contain very different chemical components. The facility will be receiving some materials that can contain some Toxic Air Pollutants (TAPs). Emissions of any TAP not listed above shall be limited to less than the MER for that TAP as listed in Table 51.1, 51.2 of LAC 33:III.5112. Additionally, for flexibility purposes, TAP emissions from the facility shall not exceed 8 TPY of a single TAP or 20 TPY of aggregate TAPs.

**AIR PERMIT BRIEFING SHEET**  
**AIR PERMITS DIVISION**  
**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**

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Port Allen Land LLC  
Agency Interest No.: 195964  
Port Allen Land LLC  
Port Allen, West Baton Rouge Parish, Louisiana

**V. PUBLIC NOTICE**

Public notice is not required to permit a minor source.

**VI. EFFECTS ON AMBIENT AIR**

Emissions associated with the proposed facility were reviewed by LDEQ to ensure compliance with the NAAQS and AAS. LDEQ did not require the applicant to model emissions.

**VII. GENERAL CONDITION XVII ACTIVITIES**

| Work Activity | Schedule      | PM <sub>10</sub> | Emission Rates - tons |                 |    |        |
|---------------|---------------|------------------|-----------------------|-----------------|----|--------|
|               |               |                  | SO <sub>2</sub>       | NO <sub>x</sub> | CO | VOC    |
| Tank Cleaning | Semi-annually |                  |                       |                 |    | <5 tpy |

**VIII. INSIGNIFICANT ACTIVITIES**

| ID No.: | Description | Citation           |
|---------|-------------|--------------------|
|         | None        | LAC 33:III.501.B.5 |

### General Information

AI ID: 195964 Port Allen Land LLC

Activity Number: PER20150001

Permit Number: 3120-00115-00

Air - Minor Source/Small Source Initial

|                         |  |                                     |                 |                          |
|-------------------------|--|-------------------------------------|-----------------|--------------------------|
| Also Known As:          | ID   | Name                                | User Group      | Start Date               |
|                         | 3120-00115   | CDS #                               | CDS Number      | 03-25-2015               |
| Physical Location:      | 1244 Corn Maize Rd<br>Port Allen, LA 70767   |                                     |                 |                          |
| Mailing Address:        | 2300 Trowbridge Rd<br>Albany, GA 31707   |                                     |                 |                          |
| Location of Front Gate: | 30.490639 latitude, -91.218336 longitude, Coordinate Method: Lat.\Long. - DMS, Coordinate Datum: NAD83 |                                     |                 |                          |
| Related People:         | Name   | Mailing Address                     | Phone (Type)    | Relationship             |
|                         | Mike Yawn  | 2300 Trowbridge Rd Albany, LA 31707 | 2293441981 (WP) | Responsible Official for |
| Related Organizations:  | Name   | Address                             | Phone (Type)    | Relationship             |
|                         | Port Allen Land LLC  | 2300 Trowbridge Rd Albany, GA 31707 |                 | Owns                     |
|                         | Port Allen Land LLC  | 2300 Trowbridge Rd Albany, GA 31707 |                 | Air Billing Party for    |
|                         | Port Allen Land LLC  | 2300 Trowbridge Rd Albany, GA 31707 |                 | Operates                 |
| NAIC Codes:             | 562219, Other Nonhazardous Waste Treatment and Disposal  |                                     |                 |                          |

Note: This report entitled "General Information" contains a summary of facility-level information contained in LDEQ's TEMPO database for this facility and is not considered a part of the permit. Please review the information contained in this document for accuracy and completeness. If any changes are required or if you have questions regarding this document, you may email your changes to [facupdate@la.gov](mailto:facupdate@la.gov).

## INVENTORIES

AI ID: 195964 - Port Allen Land LLC  
Activity Number: PER20150001  
Permit Number: 3120-00115-00  
Air - Minor Source/Small Source Initial

### Subject Item Inventory:

| ID  | Description                                 | Tank Volume | Max. Operating Rate | Normal Operating Rate | Contents            | Operating Time |
|---|---|-------------|---------------------|-----------------------|---------------------|----------------|
| <b>Entire Facility-Port Allen Land, LLC</b> |   |             |                     |                       |                     |                |
| CON 0001                                    | CSTK-1 - TDU Oxidizer/Desorber Common Stack |             |                     |                       |                     | 8760 hr/yr     |
| CON 0002                                    | 1-2015 - TDU Oxidizer Vent                  |             | 6 MM BTU/hr         | 5 MM BTU/hr           |                     | 8760 hr/yr     |
| EQT 0001                                    | 1-2015(a) - TDU Desorber Vent               |             |                     |                       |                     | 8760 hr/yr     |
| EQT 0002                                    | 1-2015 (b) - Oil/Water Separator            |             |                     |                       |                     | 8760 hr/yr     |
| EQT 0003                                    | 1-2015 (ca) - TK-1                          |             |                     |                       |                     | 8760 hr/yr     |
| EQT 0004                                    | 1-2015 (cb) - TK-2                          |             |                     |                       |                     | 8760 hr/yr     |
| EQT 0005                                    | 1-2015 (cc) - TK-3                          |             |                     |                       |                     | 8760 hr/yr     |
| EQT 0006                                    | 1-2015(cd) - TK-4                           |             |                     |                       |                     | 8760 hr/yr     |
| EQT 0007                                    | 1-2015 (ce) - TK-5                          |             |                     |                       |                     | 8760 hr/yr     |
| EQT 0008                                    | 2-2015 - Desorber Heater                    |             | 48 MM BTU/hr        | 40 MM BTU/hr          |                     | 8760 hr/yr     |
| EQT 0009                                    | 4-2015 - Loading Emissions                  |             |                     | 5 MM gallons/yr       | lube oil equivalent | 2920 hr/yr     |
| EQT 0010                                    | 5-2015 - Baghouse                           |             | 1952 SCFM           | 1952 SCFM             | Solid fines         | 8760 hr/yr     |
| EQT 0011                                    | 6-2015 - Package Boiler                     |             | 5 MM BTU/hr         | 5 MM BTU/hr           |                     | 8760 hr/yr     |
| FUG 0001                                    | 3-2015 - Fugitive Emissions                 |             |                     |                       |                     | 8760 hr/yr     |

### Stack Information:

| ID  | Description                                 | Velocity<br>(ft/sec) | Flow Rate<br>(cubic ft/min-actual) | Diameter<br>(feet) | Discharge Area<br>(square feet) | Height<br>(feet) | Temperature<br>(oF) |
|---|---|----------------------|------------------------------------|--------------------|---------------------------------|------------------|---------------------|
| <b>Entire Facility-Port Allen Land, LLC</b> |   |                      |                                    |                    |                                 |                  |                     |
| CON 0001                                    | CSTK-1 - TDU Oxidizer/Desorber Common Stack | 1.4                  | 8000                               | 11                 |                                 | 40               | 1500                |
| EQT 0009                                    | 4-2015 - Loading Emissions                  |                      |                                    |                    |                                 |                  | 150                 |
| EQT 0010                                    | 5-2015 - Baghouse                           | 60                   | 2000                               | .5                 |                                 | 35               | 70                  |
| EQT 0011                                    | 6-2015 - Package Boiler                     | 10                   | 900                                | 1.4                |                                 | 30               | 400                 |

### Relationships:

| ID       | Description                                 | Relationship            | ID       | Description                      |
|----------|---|-------------------------|----------|----------------------------------|
| CON 0001 | CSTK-1 - TDU Oxidizer/Desorber Common Stack | Controls emissions from | EQT 0008 | 2-2015 - Desorber Heater         |
| CON 0001 | CSTK-1 - TDU Oxidizer/Desorber Common Stack | Controls emissions from | CON 0002 | 1-2015 - TDU Oxidizer Vent       |
| CON 0002 | 1-2015 - TDU Oxidizer Vent                  | Controls emissions from | EQT 0001 | 1-2015(a) - TDU Desorber Vent    |
| CON 0002 | 1-2015 - TDU Oxidizer Vent                  | Controls emissions from | EQT 0006 | 1-2015(cd) - TK-4                |
| CON 0002 | 1-2015 - TDU Oxidizer Vent                  | Controls emissions from | EQT 0007 | 1-2015 (ce) - TK-5               |
| CON 0002 | 1-2015 - TDU Oxidizer Vent                  | Controls emissions from | EQT 0002 | 1-2015 (b) - Oil/Water Separator |
| CON 0002 | 1-2015 - TDU Oxidizer Vent                  | Controls emissions from | EQT 0004 | 1-2015 (cb) - TK-2               |
| CON 0002 | 1-2015 - TDU Oxidizer Vent                  | Controls emissions from | EQT 0003 | 1-2015 (ca) - TK-1               |
| CON 0002 | 1-2015 - TDU Oxidizer Vent                  | Controls emissions from | EQT 0005 | 1-2015 (cc) - TK-3               |

## INVENTORIES

AI ID: 195964 - Port Allen Land LLC  
Activity Number: PER20150001  
Permit Number: 3120-00115-00  
Air - Minor Source/Small Source Initial

### Subject Item Groups:

| ID       | Group Type            | Group Description                              |
|----------|-----------------------|--|
| UNF 0001 | Unit or Facility Wide | PAL LLC - Entire Facility-Port Allen Land, LLC |

### Group Membership:

NOTE: The UNF group relationship is not printed in this table. Every subject item is a member of the UNF group

### Annual Maintenance Fee:

| Fee Number | Air Contaminant Source   | Multiplier | Units Of Measure |
|------------|--------------------------|------------|------------------|
| 1722       | 1722 Small Source Permit |            |                  |

### SIC Codes:

|      |                |           |
|------|----------------|-----------|
| 4953 | Refuse systems | AI 195964 |
|------|----------------|-----------|

# EMISSION RATES FOR CRITERIA POLLUTANTS AND CO2e

AI ID: 195964 - Port Allen Land LLC

Activity Number: PER20150001

Permit Number: 3120-00115-00

Air - Minor Source/Small Source Initial

| Subject Item                         | PM10      |           |           | PM2.5     |           |           | SO2       |           |           | NOx       |           |           |
|--------------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
|                                      | Avg lb/hr | Max lb/hr | Tons/Year | Avg lb/hr | Max lb/hr | Tons/Year | Avg lb/hr | Max lb/hr | Tons/Year | Avg lb/hr | Max lb/hr | Tons/Year |
| Entire Facility-Port Allen Land, LLC |           |           |           |           |           |           |           |           |           |           |           |           |
| CON 0001<br>CSTK-1                   | 0.335     | 0.402     | 1.47      | 0.335     | 0.402     | 1.47      | 0.026     | 0.032     | 0.12      | 2.206     | 2.647     | 9.66      |
| EQT 0009<br>4-2015                   |           |           |           |           |           |           |           |           |           |           |           |           |
| EQT 0010<br>5-2015                   | 0.670     | 0.700     | 2.93      | 0.670     | 0.700     | 2.93      |           |           |           |           |           |           |
| EQT 0011<br>6-2015                   | 0.040     | 0.040     | 0.17      | 0.040     | 0.040     | 0.17      | 0.003     | 0.003     | 0.02      | 0.490     | 0.490     | 2.15      |
| FUG 0001<br>3-2015                   |           |           |           |           |           |           |           |           |           |           |           |           |

## EMISSION RATES FOR CRITERIA POLLUTANTS AND CO<sub>2</sub>e

AI ID: 195964 - Port Allen Land LLC

Activity Number: PER20150001

Permit Number: 3120-00115-00

Air - Minor Source/Small Source Initial

| Subject Item                                | CO        |           |           | VOC       |           |           |
|---|-----------|-----------|-----------|-----------|-----------|-----------|
|   | Avg lb/hr | Max lb/hr | Tons/Year | Avg lb/hr | Max lb/hr | Tons/Year |
| <b>Entire Facility-Port Allen Land, LLC</b> |           |           |           |           |           |           |
| CON 0001<br>CSTK-1                          | 3.706     | 4.447     | 16.23     | 2.123     | 2.171     | 9.30      |
| EQT 0009<br>4-2015                          |           |           |           | 0.035     | 0.042     | 0.05      |
| EQT 0010<br>5-2015                          |           |           |           |           |           |           |
| EQT 0011<br>6-2015                          | 0.412     | 0.412     | 1.80      | 0.027     | 0.027     | 0.12      |
| FUG 0001<br>3-2015                          |           |           |           | 0.566     | 0.566     | 2.48      |

Note: Emission rates in bold are from alternate scenarios and are not included in permitted totals unless otherwise noted in a footnote.



## EMISSION RATES FOR TAP/HAP & OTHER POLLUTANTS

AI ID: 195964 - Port Allen Land LLC

Activity Number: PER20150001

Permit Number: 3120-00115-00

Air - Minor Source/Small Source Initial

| Emission Pt.        | Pollutant                  | Avg lb/hr | Max lb/hr | Tons/Year |
|---------------------|----------------------------|-----------|-----------|-----------|
| CON 0001<br>CSTK-1  | 1,2,4-Trichlorobenzene     | 0.005     | 0.006     | 0.02      |
|                     | Benzene                    | 0.094     | 0.113     | 0.41      |
| UNF 0001<br>PAL LLC | 1,2,4,5-Tetrachlorobenzene |           |           | 0.02      |
|                     | Benzene                    |           |           | 0.41      |

Note: Emission rates in bold are from alternate scenarios and are not included in permitted totals unless otherwise noted in a footnote. Emission rates attributed to the UNF reflect the sum of the TAP/HAP limits of the individual emission points (or caps) under this permit, but do not constitute an emission cap.

## SPECIFIC REQUIREMENTS

AI ID: 195964 - Port Allen Land LLC

Activity Number: PER20150001

Permit Number: 3120-00115-00

Air - Minor Source/Small Source Initial

### CON 0002 1-2015 - TDU Oxidizer Vent

- 1 [LAC 33:III.1311.C] Opacity  $\leq$  20 percent, except for emissions that have an average opacity in excess of 20 percent for not more than one six-minute period in any 60 consecutive minutes. (Complies by using sweet natural gas as fuel).  
Which Months: All Year Statistical Basis: Six-minute average
- 2 [LAC 33:III.501.C.6] Temperature  $\geq$  1600 F 870 degrees C) for 0.5 seconds or greater in a thermal incinerator, with a 98 percent or greater VOC destruction or removal efficiency.  
Which Months: All Year Statistical Basis: None specified

### EQT 0008 2-2015 - Desorber Heater

- 3 [LAC 33:III.1311.C] Opacity  $\leq$  20 percent, except for emissions that have an average opacity in excess of 20 percent for not more than one six-minute period in any 60 consecutive minutes. (Complies by using sweet natural gas as fuel).  
Which Months: All Year Statistical Basis: Six-minute average
- 4 [LAC 33:III.1313.C] Total suspended particulate  $\leq$  0.6 lb/MMBTU of heat input (Complies by using sweet natural gas as fuel).  
Which Months: All Year Statistical Basis: None specified

### EQT 0010 5-2015 - Baghouse

- 5 [LAC 33:III.501.C.6] Baghouses (including gaskets): Equipment/operational data monitored by technically sound method semiannually or whenever a visible emissions check indicates maintenance may be necessary. Change elements as necessary.  
Which Months: All Year Statistical Basis: None specified
- 6 [LAC 33:III.501.C.6] Baghouses: Equipment/operational data recordkeeping by electronic or hard copy upon each occurrence of inspection. Keep records of inspections and maintenance activities on site for a period of at least five years and available for inspection by the Office of Environmental Compliance.
- 7 [LAC 33:III.501.C.6] Once the baghouse is selected, the particulate matter removal efficiency from the manufacturer's certification shall be included as a modification to the permit.
- 8 [LAC 33:III.501.C.6] Particulate matter (10 microns or less) (PM10)  $\leq$  0.040 gr/dscf.  
Which Months: All Year Statistical Basis: None specified

### EQT 0011 6-2015 - Package Boiler

- 9 [LAC 33:III.1311.C] Opacity  $\leq$  20 percent, except for emissions that have an average opacity in excess of 20 percent for not more than one six-minute period in any 60 consecutive minutes. (Complies by using sweet natural gas as fuel).  
Which Months: All Year Statistical Basis: Six-minute average

### UNF 0001 PAL LLC - Entire Facility-Port Allen Land, LLC

## SPECIFIC REQUIREMENTS

AI ID: 195964 - Port Allen Land LLC

Activity Number: PER20150001

Permit Number: 3120-00115-00

Air - Minor Source/Small Source Initial

### UNF 0001 PAL LLC - Entire Facility-Port Allen Land, LLC

- 10 [LAC 33:III.1103] Emissions of smoke which pass onto or across a public road and create a traffic hazard by impairment of visibility as defined in LAC 33:III.111 or intensifies an existing traffic hazard condition are prohibited.
- 11 [LAC 33:III.1109.B] Outdoor burning of waste material or other combustible material is prohibited.
- 12 [LAC 33:III.1303.B] Emissions of particulate matter which pass onto or across a public road and create a traffic hazard by impairment of visibility or intensify an existing traffic hazard condition are prohibited.
- 13 [LAC 33:III.2113.A] Maintain best practical housekeeping and maintenance practices at the highest possible standards to reduce the quantity of organic compounds emissions. Good housekeeping includes, but is not limited to, the practices listed in LAC 33:III.2113.A.1 through A.5.
- 14 [LAC 33:III.219] Failure to pay the prescribed application fee or annual fee as provided herein, within 90 days after the due date, will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the Louisiana Environmental Quality Act including, but not limited to, revocation or suspension of the applicable permit, license, registration, or variance.
- 15 [LAC 33:III.2901.D] Discharges of odorous substances at or beyond property lines which cause a perceived odor intensity of six or greater on the specified eight point butanol scale as determined by Method 41 of LAC 33:III.2901.G are prohibited.
- 16 [LAC 33:III.2901.F] If requested to monitor for odor intensity, take and transport samples in a manner which minimizes alteration of the samples either by contamination or loss of material. Evaluate all samples as soon after collection as possible in accordance with the procedures set forth in LAC 33:III.2901.G.
- 17 [LAC 33:III.501.C.6] Toxic air pollutants (TAP)  $\leq 20$  tons/yr for aggregate TAPs. Non-compliance with this limit is a reportable violation of the permit. Notify the Office of Environmental Compliance, Enforcement Division, if the facility-wide emissions of aggregate TAP s exceed the maximum listed in this specific condition.
- 18 [LAC 33:III.501.C.6] Which Months: Phases: Statistical Basis: Twelve-month rolling average (rolling 1-month basis)  
Use of any material containing a Louisiana Toxic Air Pollutant (TAP) listed in Table 51.1, 51.2, or 51.3 of LAC 33:III.Chapter 51 is permitted. Emissions of any TAP for which this permit lists a facility-wide emission limitation shall be limited to the amount stated. Emissions of any TAP for which this permit does not list a facility-wide emission limitation shall be limited to an amount less than the Minimum Emission Rate (MER) for that TAP as listed in Tables 51.1 and 51.2 of LAC 33:III.5112. Emissions of any TAP not listed in the Emission Rates for TAP/HAP and Other Pollutants section of this permit in an amount greater than or equal to the MER shall require a permit modification prior to use. Permittee may emit any TAP listed in Table 51.3 of LAC 33:III.5112 at any rate so long as the facility-wide total emission of TAP remains below the amount shown in this specific condition. Non-compliance with this limit is a reportable violation of the permit. Notify the Office of Environmental Compliance, Enforcement Division, if the facility-wide emissions of TAP exceed the maximum listed in this specific condition for any twelve consecutive month period.
- 19 [LAC 33:III.537] Comply with the Louisiana General Conditions as set forth in LAC 33:III.537.
- 20 [LAC 33:III.5611.A] Submit standby plan for the reduction or elimination of emissions during an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency: Due within 30 days after requested by DEQ.
- 21 [LAC 33:III.5611.B] During an Air Pollution Alert, Air Pollution Warning or Air Pollution Emergency, make the standby plan available on the premises to any person authorized by DEQ to enforce these regulations.

**SPECIFIC REQUIREMENTS**

**AI ID: 195964 - Port Allen Land LLC**

**Activity Number: PER20150001**

**Permit Number: 3120-00115-00**

**Air - Minor Source/Small Source Initial**

**UNF 0001 PAL LLC - Entire Facility-Port Allen Land, LLC**

22 [LAC 33:III.919]

Submit Emission Inventory (EI)/Annual Emissions Statement: Due annually, by the 30th of April to the Office of Environmental Services, for the reporting period of the previous calendar year that coincides with period of ownership or operatorship, unless otherwise directed by DEQ. Submit both an emissions inventory and the certification statement required by LAC 33:III.919.F.1.c, separately for each AI, in a format specified by DEQ. Include the information specified in LAC 33:III.919.F.1.a through F.1.d.

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## **Cathy Thompson Wilson**

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**From:** Charles Brumfield <charles.brumfield@eaglered.com>  
**Sent:** Monday, May 04, 2015 8:43 AM  
**To:** Cathy Thompson Wilson  
**Subject:** RE: AI 195964 PER20150001

Cathy,

I do not need to review the draft of the permit. Please route for final signature. Thank you.

### ***Charles "Beaux" Brumfield***

Sr. Air Project Lead  
Eagle Environmental  
18369 Petroleum Drive  
Baton Rouge, LA 70809  
Office: 225.757.0870  
Fax: 225.757.8855  
Mobile: 225.205.7096  
[Charles.Brumfield@eaglered.com](mailto:Charles.Brumfield@eaglered.com)



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**From:** Cathy Thompson Wilson [<mailto:Cathy.Thompson@LA.GOV>]  
**Sent:** Monday, April 27, 2015 2:41 PM  
**To:** Charles Brumfield  
**Subject:** RE: AI-195964 PER20150001

I made the changes, but I'll look over everything again tonight and it will go into routing in the morning. Thanks and take care.

---

**From:** Charles Brumfield [<mailto:charles.brumfield@eaglered.com>]  
**Sent:** Monday, April 27, 2015 2:29 PM  
**To:** Cathy Thompson Wilson  
**Subject:** RE: AI 195964 PER20150001

Cathy,

We lost power all morning and just got it back a little while ago. Here are the changes. Let me know if you have any questions.

### ***Charles "Beaux" Brumfield***

Sr. Air Project Lead  
Eagle Environmental  
18369 Petroleum Drive  
Baton Rouge, LA 70809  
Office: 225.757.0870  
Fax: 225.757.8855  
Mobile: 225.205.7096

[Charles.Brumfield@eaglered.com](mailto:Charles.Brumfield@eaglered.com)



**From:** Cathy Thompson Wilson [<mailto:Cathy.Thompson@LA.GOV>]

**Sent:** Monday, April 27, 2015 2:07 PM

**To:** Charles Brumfield

**Subject:** AI 195964 PER20150001

Not sure about the weather there, I know a lot of power outages are being reported. Just reminding you to email me the changes we talked about this morning concerning the loading hours and throughput. Take care and thanks.



MAY - 6 2015

## AIR PERMIT ROUTING/APPROVAL SLIP-Permits



|              |             |            |                     |                  |   |
|--------------|-------------|------------|---------------------|------------------|---|
| AI No.       | 195964      | Company    | Port Allen Land LLC | Date Received    | 3/25/2015   |
| Activity No. | PER20150001 | Facility   | Port Allen Facility | Permit Type      | State Minor Mod   |
| CDS No.      | 3120-00115  | Permit No. | 3120-00115-00       | Expedited Permit | <input checked="" type="checkbox"/> yes <input type="checkbox"/> no |

| 1. Technical Review                   | Approved | Date rec'd | Date FW | Comments    |
|---------------------------------------|----------|------------|---------|-------------|
| Permit Writer                         | CEW      | 3/26/15    | 4/28/15 |             |
| Air Quality / Modeling                |          |            |         |             |
| Toxics                                |          |            |         |             |
| Technical Advisor                     | Dan      |            | 4/30/15 |             |
| Supervisor                            | RH       |            | 4/30/15 | OK as noted |
| Other                                 |          |            |         |             |
| 2. Management Review (if PN req'd)    | Approved | Date rec'd | Date FW | Comments    |
| Supervisor                            |          |            |         |             |
| Manager                               |          |            |         |             |
| Assistant Secretary (PN)              |          |            |         |             |
| 3. Response to Comments (if PN req'd) | Approved | Date rec'd | Date FW | Comments    |
| Supervisor                            |          |            |         |             |
| Manager                               |          |            |         |             |
| Administrator                         |          |            |         |             |
| Legal (BFD)                           |          |            |         |             |
| 4. Final Approval                     | Approved | Date rec'd | Date FW | Comments    |
| Supervisor                            |          |            |         |             |
| Manager                               |          |            |         |             |
| Administrator                         | CSN      |            | 5/4/15  |             |
| Assistant Secretary                   | MBT      |            |         |             |

|                     |   |                   |   |                |   |
|---------------------|---|-------------------|---|----------------|---|
| 1. Technical Review |   |                   |   |                |   |
| PN of App needed    | <input type="checkbox"/> yes <input checked="" type="checkbox"/> no | Date of PN of App |   | Newspaper      |   |
| Fee paid            | <input checked="" type="checkbox"/> yes <input type="checkbox"/> no |                   |   |                |   |
| NSPS applies        | <input type="checkbox"/> yes <input checked="" type="checkbox"/> no | PSD/NNSR applies  | <input type="checkbox"/> yes <input checked="" type="checkbox"/> no | NESHAP applies | <input type="checkbox"/> yes <input checked="" type="checkbox"/> no |

|                               |  |             |  |                  |  |
|-------------------------------|--|-------------|--|------------------|--|
| 2. Post-Technical Review      |  |             |  |                  |  |
| Company technical review      | <input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> n/a | E-mail date |  | Remarks received | <input type="checkbox"/> yes <input type="checkbox"/> no |
| Surveillance technical review | <input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> n/a | E-mail date |  | Remarks received | <input type="checkbox"/> yes <input type="checkbox"/> no |

|                                  |   |         |  |              |  |
|----------------------------------|---|---------|--|--------------|--|
| 3. Public Notice                 |   |         |  |              |  |
| Public Notice Required           | <input type="checkbox"/> yes <input checked="" type="checkbox"/> no |         |  |              |  |
| Library                          |   |         |  |              |  |
| PN newspaper 1/City              | The Advocate/Baton Rouge  | PN Date |  | EDMS         | <input type="checkbox"/> yes <input type="checkbox"/> no |
| PN newspaper 2/City              |   | PN Date |  | Verification | <input type="checkbox"/> yes <input type="checkbox"/> no |
| Company notification letter sent | Date mailed   |         |  |              |  |
| EPA PN notification e-mail sent  | Date e-mailed   |         |  |              |  |
| OES PN mailout                   | Date  |         |  |              |  |

|                           |  |                                    |  |                                   |  |
|---------------------------|--|------------------------------------|--|-----------------------------------|--|
| 4. Final Review           |  |                                    |  |                                   |  |
| Public comments received  | <input type="checkbox"/> yes <input type="checkbox"/> no | EPA comments rec'd                 | <input type="checkbox"/> yes <input type="checkbox"/> no | Date EPA Resp. to Comments-mailed |  |
| Company comments received | <input type="checkbox"/> yes <input type="checkbox"/> no | PN info entered into Permit Sec VI | <input type="checkbox"/> yes <input type="checkbox"/> no | Date EPA approved permit          |  |
| Comments                  |  |                                    |  |                                   |  |



**BOBBY JINDAL**  
GOVERNOR



**PEGGY M. HATCH**  
SECRETARY

**State of Louisiana**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**ENVIRONMENTAL SERVICES**

Certified Mail No.: 7014 0510 0002 3394 7206

Activity No.: PER20150001  
Agency Interest No.: 195964

Mr. Mike Yawn  
CEO, Port Allen Land LLC  
2300 Trowbridge Rd  
Albany, GA 31707

RE: Permit, Port Allen Land LLC, Port Allen Facility  
Port Allen, West Baton Rouge Parish, Louisiana

Dear Mr. Yawn:

This is to inform you that the permit request for the above referenced facility has been approved under LAC 33:III.501. The submittal was approved on the basis of the emissions reported and the approval in no way guarantees the design scheme presented will be capable of controlling the emissions as to the types and quantities stated. A new application must be submitted if the reported emissions are exceeded after operations begin. The synopsis, data sheets, and conditions are attached herewith.

It will be considered a violation of the permit if all proposed control measures and/or equipment are not installed and properly operated and maintained as specified in the application.

Also enclosed is a document entitled "General Information." Please be advised that this document contains a summary of facility-level information contained in LDEQ's TEMPO database and is not considered a part of the permit. Please review the information contained in this document for accuracy and completeness. If any changes are required or if you have questions regarding this document, you may email your changes to [facupdate@la.gov](mailto:facupdate@la.gov).

Operation of this facility is hereby authorized under the terms and conditions of this permit. This authorization shall expire at midnight, ten years from the issue date below, unless a timely and complete renewal application has been submitted six months prior to expiration. Terms and conditions of this permit shall remain in effect until such time as the permitting authority takes final action on the application for permit renewal. The permit number and agency interest number cited above should be referenced in future correspondence regarding this facility.

Please be advised that pursuant to provisions of the Environmental Quality Act and the Administrative Procedure Act, the Department may initiate review of a permit during its term. However, before it takes any action to modify, suspend or revoke a permit, the Department shall, in accordance with applicable statutes and regulations, notify the permittee by mail of the facts or operational conduct that warrant the intended action and provide the permittee with the opportunity to demonstrate compliance with all lawful requirements for the retention of the effective permit.

The permit number cited below and agency interest number cited above should be referenced in future correspondence regarding this facility.

Done this 4 day of May, 2015.

Permit No.: 3120-00115-00

Sincerely,

Handwritten signature of Tegan B. Treadaway in black ink.

Tegan B. Treadaway  
Assistant Secretary  
TBT:cw



**AIR PERMIT BRIEFING SHEET**  
**AIR PERMITS DIVISION**  
**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**

**Port Allen Land LLC**  
**Agency Interest No.: 195964**  
**Port Allen Land LLC**  
**Port Allen, West Baton Rouge Parish, Louisiana**

**I. BACKGROUND**

Port Allen Land LLC (PAL), Port Allen Facility, is proposing to build and operate an indirect fired Thermal Desorption Unit (TDU), which will be located on the west bank of the Mississippi River in Port Allen, West Baton Rouge Parish, Louisiana. The facility will process non- hazardous materials to recover and recycle valuable materials. These materials can include oil-bearing secondary wastes, sludges, and other oilfield and refinery materials.

**II. ORIGIN**

A permit application and Emissions Inventory Questionnaire (EIQ) dated March 25, 2015, were received requesting a permit. Additional information dated April 7, 21 and 27, 2015, was also received.

**III. DESCRIPTION**

Port Allen Land, LLC (PAL), is proposing to build and operate an indirect fired Thermal Desorption Unit (TDU), which will process a variety of petroleum and oil-bearing materials to recover and recycle useful hydrocarbon materials that would otherwise be disposed of in a landfill.

The petroleum materials will be fed to an indirect-fired, natural gas fueled TDU where the hydrocarbons will be liberated from the substrate materials by raising them beyond their boiling points to about 900 degrees Fahrenheit. Heavier materials such as any metals and inert materials will drop out of the dryer in solid form. The vent stream carrying the hydrocarbons will pass through a series of recovery equipment including a cyclone, hydroclone, and a venturi scrubber. Any remaining constituents of the vent stream will be processed through an acid gas scrubber and a thermal oxidizer. The clean effluent gas from the oxidizer will be routed back to the shell of the dryer for increased thermal efficiency. Water from the scrubber will be routed through the water treatment system where additional material recovery will occur. The materials recovered will include clean solid substrates and liquid hydrocarbons.

The thermal oxidizer will control the emissions from the desorber vent, oil water separator, and the storage tanks at the facility and is designed to operate with a better than 99.9% destruction efficiency, but for conservative reasons, the efficiency will be set at 99%. Emissions of residual hydrocarbons will be very small.

The majority of the hydrocarbons that are present in the feed materials will be recovered in the process. The small amounts of lighter hydrocarbons that cannot be recovered are controlled in

**AIR PERMIT BRIEFING SHEET**  
**AIR PERMITS DIVISION**  
**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**

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**Port Allen Land LLC**  
**Agency Interest No.: 195964**  
**Port Allen Land LLC**  
**Port Allen, West Baton Rouge Parish, Louisiana**

the thermal oxidizer. Additionally, there is a vent stream containing recovered hydrocarbons that is routed to the recovery equipment and then to the control equipment. After passing through the oxidizer, this hot vent stream will be passed through the shell of the desorber to increase desorber energy efficiency.

The process water will be sent through an oil separator to recover additional hydrocarbon materials. These materials will be added to the recovered oil for re-sale.

Recovered hydrocarbons and in-process waste water will be stored in tanks. The hydrocarbons will be sold offsite and the water will be treated and returned to the process.

The TDU will operate at 40 MMBTU per hour. The triple shell indirect-fired rotary desorber will heat the materials being fed without direct contact. The desorber is fired by natural gas.

Recovered hydrocarbons will be equivalent to lube oil in physical characteristics. This material will be loaded into tank trucks periodically for sale to other users.

The baghouse controls any particulate emissions that originate from the solids cooling and controlling auger. It will be used to remove the majority of any particulates that are generated during the solids recovery process.

A package boiler will be utilized to generate steam for use in heating the heavier sludge materials to increase the ability to move these through the process.

Non-specified area sources can generate fugitive emissions from equipment that is in potential VOC service. These emissions are very small. Other emissions are from insignificant activities.

There are no other facilities owned by PAL and contiguous with the TDU facility.

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Port Allen, West Baton Rouge Parish, Louisiana**

Estimated emissions from this facility in tons per year are as follows:

| Pollutant         | Emissions (TPY) |
|-------------------|-----------------|
| PM <sub>10</sub>  | 4.57            |
| PM <sub>2.5</sub> | 4.57            |
| SO <sub>2</sub>   | 0.14            |
| NO <sub>x</sub>   | 11.81           |
| CO                | 18.03           |
| VOC               | 12.25           |

LAC 33:III Chapter 51 Toxic Air Pollutants (TAPs)\*:

| Pollutant              | Emissions (TPY) |
|------------------------|-----------------|
| Benzene                | 0.41            |
| 1,2,4-Trichlorobenzene | 0.02            |
| Total                  | *               |

#### IV. TYPE OF REVIEW

This permit was reviewed for compliance with Louisiana Air Quality Regulations. New Source Performance Standards (NSPS), and National Emission Standards for Hazardous Air Pollutants (NESHAP). Prevention of Significant Deterioration (PSD)/Non-attainment New Source Review (NNSR) do not apply.

\*This proposed facility will be a minor source of LAC 33:III.Chapter 51 Toxic Air Pollutants (TAPs). The Port Allen Facility is being permitted to service a wide variety of non-hazardous materials that can contain very different chemical components. The facility will be receiving some materials that can contain some Toxic Air Pollutants (TAPs). Emissions of any TAP not listed above shall be limited to less than the MER for that TAP as listed in Table 51.1, 51.2 of LAC 33:III.5112. Additionally, for flexibility purposes, TAP emissions from the facility shall not exceed 8 TPY of a single TAP or 20 TPY of aggregate TAPs.

**AIR PERMIT BRIEFING SHEET**  
**AIR PERMITS DIVISION**  
**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**

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Port Allen Land LLC  
Agency Interest No.: 195964  
Port Allen Land LLC  
Port Allen, West Baton Rouge Parish, Louisiana

**V. PUBLIC NOTICE**

Public notice is not required to permit a minor source.

**VI. EFFECTS ON AMBIENT AIR**

Emissions associated with the proposed facility were reviewed by LDEQ to ensure compliance with the NAAQS and AAS. LDEQ did not require the applicant to model emissions.

**VII. GENERAL CONDITION XVII ACTIVITIES**

| Work Activity | Schedule      | PM <sub>10</sub> | Emission Rates - tons |                 |    |        |
|---------------|---------------|------------------|-----------------------|-----------------|----|--------|
|               |               |                  | SO <sub>2</sub>       | NO <sub>x</sub> | CO | VOC    |
| Tank Cleaning | Semi-annually |                  |                       |                 |    | <5 tpy |

**VIII. INSIGNIFICANT ACTIVITIES**

| ID No.: | Description | Citation           |
|---------|-------------|--------------------|
|         | None        | LAC 33:III.501.B.5 |

### General Information

AI ID: 195964 Port Allen Land LLC

Activity Number: PER20150001

Permit Number: 3120-00115-00

Air - Minor Source/Small Source Initial

|                         |  |                                     |                 |                          |
|-------------------------|--|-------------------------------------|-----------------|--------------------------|
| Also Known As:          | ID   | Name                                | User Group      | Start Date               |
|                         | 3120-00115   | CDS #                               | CDS Number      | 03-25-2015               |
| Physical Location:      | 1244 Corn Maize Rd<br>Port Allen, LA 70767   |                                     |                 |                          |
| Mailing Address:        | 2300 Trowbridge Rd<br>Albany, GA 31707   |                                     |                 |                          |
| Location of Front Gate: | 30.490639 latitude, -91.218336 longitude, Coordinate Method: Lat.\Long. - DMS, Coordinate Datum: NAD83 |                                     |                 |                          |
| Related People:         | Name   | Mailing Address                     | Phone (Type)    | Relationship             |
|                         | Mike Yawn  | 2300 Trowbridge Rd Albany, LA 31707 | 2293441981 (WP) | Responsible Official for |
| Related Organizations:  | Name   | Address                             | Phone (Type)    | Relationship             |
|                         | Port Allen Land LLC  | 2300 Trowbridge Rd Albany, GA 31707 |                 | Owns                     |
|                         | Port Allen Land LLC  | 2300 Trowbridge Rd Albany, GA 31707 |                 | Air Billing Party for    |
|                         | Port Allen Land LLC  | 2300 Trowbridge Rd Albany, GA 31707 |                 | Operates                 |
| NAIC Codes:             | 562219, Other Nonhazardous Waste Treatment and Disposal  |                                     |                 |                          |

Note: This report entitled "General Information" contains a summary of facility-level information contained in LDEQ's TEMPO database for this facility and is not considered a part of the permit. Please review the information contained in this document for accuracy and completeness. If any changes are required or if you have questions regarding this document, you may email your changes to [facupdate@la.gov](mailto:facupdate@la.gov).

## INVENTORIES

AI ID: 195964 - Port Allen Land LLC  
Activity Number: PER20150001  
Permit Number: 3120-00115-00  
Air - Minor Source/Small Source Initial

### Subject Item Inventory:

| ID  | Description                                 | Tank Volume | Max. Operating Rate | Normal Operating Rate | Contents            | Operating Time |
|---|---|-------------|---------------------|-----------------------|---------------------|----------------|
| <b>Entire Facility-Port Allen Land, LLC</b> |   |             |                     |                       |                     |                |
| CON 0001                                    | CSTK-1 - TDU Oxidizer/Desorber Common Stack |             |                     |                       |                     | 8760 hr/yr     |
| CON 0002                                    | 1-2015 - TDU Oxidizer Vent                  |             | 6 MM BTU/hr         | 5 MM BTU/hr           |                     | 8760 hr/yr     |
| EQT 0001                                    | 1-2015(a) - TDU Desorber Vent               |             |                     |                       |                     | 8760 hr/yr     |
| EQT 0002                                    | 1-2015 (b) - Oil/Water Separator            |             |                     |                       |                     | 8760 hr/yr     |
| EQT 0003                                    | 1-2015 (ca) - TK-1                          |             |                     |                       |                     | 8760 hr/yr     |
| EQT 0004                                    | 1-2015 (cb) - TK-2                          |             |                     |                       |                     | 8760 hr/yr     |
| EQT 0005                                    | 1-2015 (cc) - TK-3                          |             |                     |                       |                     | 8760 hr/yr     |
| EQT 0006                                    | 1-2015(cd) - TK-4                           |             |                     |                       |                     | 8760 hr/yr     |
| EQT 0007                                    | 1-2015 (ce) - TK-5                          |             |                     |                       |                     | 8760 hr/yr     |
| EQT 0008                                    | 2-2015 - Desorber Heater                    |             | 48 MM BTU/hr        | 40 MM BTU/hr          |                     | 8760 hr/yr     |
| EQT 0009                                    | 4-2015 - Loading Emissions                  |             |                     | 5 MM gallons/yr       | lube oil equivalent | 2920 hr/yr     |
| EQT 0010                                    | 5-2015 - Baghouse                           |             | 1952 SCFM           | 1952 SCFM             | Solid fines         | 8760 hr/yr     |
| EQT 0011                                    | 6-2015 - Package Boiler                     |             | 5 MM BTU/hr         | 5 MM BTU/hr           |                     | 8760 hr/yr     |
| FUG 0001                                    | 3-2015 - Fugitive Emissions                 |             |                     |                       |                     | 8760 hr/yr     |

### Stack Information:

| ID  | Description                                 | Velocity<br>(ft/sec) | Flow Rate<br>(cubic ft/min-actual) | Diameter<br>(feet) | Discharge Area<br>(square feet) | Height<br>(feet) | Temperature<br>(oF) |
|---|---|----------------------|------------------------------------|--------------------|---------------------------------|------------------|---------------------|
| <b>Entire Facility-Port Allen Land, LLC</b> |   |                      |                                    |                    |                                 |                  |                     |
| CON 0001                                    | CSTK-1 - TDU Oxidizer/Desorber Common Stack | 1.4                  | 8000                               | 11                 |                                 | 40               | 1500                |
| EQT 0009                                    | 4-2015 - Loading Emissions                  |                      |                                    |                    |                                 |                  | 150                 |
| EQT 0010                                    | 5-2015 - Baghouse                           | 60                   | 2000                               | .5                 |                                 | 35               | 70                  |
| EQT 0011                                    | 6-2015 - Package Boiler                     | 10                   | 900                                | 1.4                |                                 | 30               | 400                 |

### Relationships:

| ID       | Description                                 | Relationship            | ID       | Description                      |
|----------|---|-------------------------|----------|----------------------------------|
| CON 0001 | CSTK-1 - TDU Oxidizer/Desorber Common Stack | Controls emissions from | EQT 0008 | 2-2015 - Desorber Heater         |
| CON 0001 | CSTK-1 - TDU Oxidizer/Desorber Common Stack | Controls emissions from | CON 0002 | 1-2015 - TDU Oxidizer Vent       |
| CON 0002 | 1-2015 - TDU Oxidizer Vent                  | Controls emissions from | EQT 0001 | 1-2015(a) - TDU Desorber Vent    |
| CON 0002 | 1-2015 - TDU Oxidizer Vent                  | Controls emissions from | EQT 0006 | 1-2015(cd) - TK-4                |
| CON 0002 | 1-2015 - TDU Oxidizer Vent                  | Controls emissions from | EQT 0007 | 1-2015 (ce) - TK-5               |
| CON 0002 | 1-2015 - TDU Oxidizer Vent                  | Controls emissions from | EQT 0002 | 1-2015 (b) - Oil/Water Separator |
| CON 0002 | 1-2015 - TDU Oxidizer Vent                  | Controls emissions from | EQT 0004 | 1-2015 (cb) - TK-2               |
| CON 0002 | 1-2015 - TDU Oxidizer Vent                  | Controls emissions from | EQT 0003 | 1-2015 (ca) - TK-1               |
| CON 0002 | 1-2015 - TDU Oxidizer Vent                  | Controls emissions from | EQT 0005 | 1-2015 (cc) - TK-3               |

## INVENTORIES

AI ID: 195964 - Port Allen Land LLC  
Activity Number: PER20150001  
Permit Number: 3120-00115-00  
Air - Minor Source/Small Source Initial

**Subject Item Groups:**

| ID       | Group Type            | Group Description                              |
|----------|-----------------------|--|
| UNF 0001 | Unit or Facility Wide | PAL LLC - Entire Facility-Port Allen Land, LLC |

**Group Membership:**

**NOTE:** The UNF group relationship is not printed in this table. Every subject item is a member of the UNF group

**Annual Maintenance Fee:**

| Fee Number | Air Contaminant Source   | Multiplier | Units Of Measure |
|------------|--------------------------|------------|------------------|
| 1722       | 1722 Small Source Permit |            |                  |

**SIC Codes:**

|      |                |           |
|------|----------------|-----------|
| 4953 | Refuse systems | AI 195964 |
|------|----------------|-----------|

# EMISSION RATES FOR CRITERIA POLLUTANTS AND CO2e

AI ID: 195964 - Port Allen Land LLC

Activity Number: PER20150001

Permit Number: 3120-00115-00

Air - Minor Source/Small Source Initial

| Subject Item                         | PM10      |           |           | PM2.5     |           |           | SO2       |           |           | NOx       |           |           |
|--------------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
|                                      | Avg lb/hr | Max lb/hr | Tons/Year | Avg lb/hr | Max lb/hr | Tons/Year | Avg lb/hr | Max lb/hr | Tons/Year | Avg lb/hr | Max lb/hr | Tons/Year |
| Entire Facility-Port Allen Land, LLC |           |           |           |           |           |           |           |           |           |           |           |           |
| CON 0001<br>CSTK-1                   | 0.335     | 0.402     | 1.47      | 0.335     | 0.402     | 1.47      | 0.026     | 0.032     | 0.12      | 2.206     | 2.647     | 9.66      |
| EQT 0009<br>4-2015                   |           |           |           |           |           |           |           |           |           |           |           |           |
| EQT 0010<br>5-2015                   | 0.670     | 0.700     | 2.93      | 0.670     | 0.700     | 2.93      |           |           |           |           |           |           |
| EQT 0011<br>6-2015                   | 0.040     | 0.040     | 0.17      | 0.040     | 0.040     | 0.17      | 0.003     | 0.003     | 0.02      | 0.490     | 0.490     | 2.15      |
| FUG 0001<br>3-2015                   |           |           |           |           |           |           |           |           |           |           |           |           |



## EMISSION RATES FOR CRITERIA POLLUTANTS AND CO<sub>2</sub>e

AI ID: 195964 - Port Allen Land LLC

Activity Number: PER20150001

Permit Number: 3120-00115-00

Air - Minor Source/Small Source Initial

| Subject Item                                | CO        |           |           | VOC       |           |           |
|---|-----------|-----------|-----------|-----------|-----------|-----------|
|   | Avg lb/hr | Max lb/hr | Tons/Year | Avg lb/hr | Max lb/hr | Tons/Year |
| <b>Entire Facility-Port Allen Land, LLC</b> |           |           |           |           |           |           |
| CON 0001<br>CSTK-1                          | 3.706     | 4.447     | 16.23     | 2.123     | 2.171     | 9.30      |
| EQT 0009<br>4-2015                          |           |           |           | 0.035     | 0.042     | 0.05      |
| EQT 0010<br>5-2015                          |           |           |           |           |           |           |
| EQT 0011<br>6-2015                          | 0.412     | 0.412     | 1.80      | 0.027     | 0.027     | 0.12      |
| FUG 0001<br>3-2015                          |           |           |           | 0.566     | 0.566     | 2.48      |

Note: Emission rates in bold are from alternate scenarios and are not included in permitted totals unless otherwise noted in a footnote.

## EMISSION RATES FOR TAP/HAP & OTHER POLLUTANTS

AI ID: 195964 - Port Allen Land LLC

Activity Number: PER20150001

Permit Number: 3120-00115-00

Air - Minor Source/Small Source Initial

| Emission Pt.        | Pollutant                  | Avg lb/hr | Max lb/hr | Tons/Year |
|---------------------|----------------------------|-----------|-----------|-----------|
| CON 0001<br>CSTK-1  | 1,2,4-Trichlorobenzene     | 0.005     | 0.006     | 0.02      |
|                     | Benzene                    | 0.094     | 0.113     | 0.41      |
| UNF 0001<br>PAL LLC | 1,2,4,5-Tetrachlorobenzene |           |           | 0.02      |
|                     | Benzene                    |           |           | 0.41      |

Note: Emission rates in bold are from alternate scenarios and are not included in permitted totals unless otherwise noted in a footnote. Emission rates attributed to the UNF reflect the sum of the TAP/HAP limits of the individual emission points (or caps) under this permit, but do not constitute an emission cap.

## SPECIFIC REQUIREMENTS

AI ID: 195964 - Port Allen Land LLC

Activity Number: PER20150001

Permit Number: 3120-00115-00

Air - Minor Source/Small Source Initial

### CON 0002 1-2015 - TDU Oxidizer Vent

- 1 [LAC 33:III.1311.C] Opacity  $\leq$  20 percent, except for emissions that have an average opacity in excess of 20 percent for not more than one six-minute period in any 60 consecutive minutes. (Complies by using sweet natural gas as fuel).  
Which Months: All Year Statistical Basis: Six-minute average
- 2 [LAC 33:III.501.C.6] Temperature  $\geq$  1600 F 870 degrees C) for 0.5 seconds or greater in a thermal incinerator, with a 98 percent or greater VOC destruction or removal efficiency.  
Which Months: All Year Statistical Basis: None specified

### EQT 0008 2-2015 - Desorber Heater

- 3 [LAC 33:III.1311.C] Opacity  $\leq$  20 percent, except for emissions that have an average opacity in excess of 20 percent for not more than one six-minute period in any 60 consecutive minutes. (Complies by using sweet natural gas as fuel).  
Which Months: All Year Statistical Basis: Six-minute average
- 4 [LAC 33:III.1313.C] Total suspended particulate  $\leq$  0.6 lb/MMBTU of heat input (Complies by using sweet natural gas as fuel).  
Which Months: All Year Statistical Basis: None specified

### EQT 0010 5-2015 - Baghouse

- 5 [LAC 33:III.501.C.6] Baghouses (including gaskets): Equipment/operational data monitored by technically sound method semiannually or whenever a visible emissions check indicates maintenance may be necessary. Change elements as necessary.  
Which Months: All Year Statistical Basis: None specified
- 6 [LAC 33:III.501.C.6] Baghouses: Equipment/operational data recordkeeping by electronic or hard copy upon each occurrence of inspection. Keep records of inspections and maintenance activities on site for a period of at least five years and available for inspection by the Office of Environmental Compliance.
- 7 [LAC 33:III.501.C.6] Once the baghouse is selected, the particulate matter removal efficiency from the manufacturer's certification shall be included as a modification to the permit.
- 8 [LAC 33:III.501.C.6] Particulate matter (10 microns or less) (PM10)  $\leq$  0.040 gr/dscf.  
Which Months: All Year Statistical Basis: None specified

### EQT 0011 6-2015 - Package Boiler

- 9 [LAC 33:III.1311.C] Opacity  $\leq$  20 percent, except for emissions that have an average opacity in excess of 20 percent for not more than one six-minute period in any 60 consecutive minutes. (Complies by using sweet natural gas as fuel).  
Which Months: All Year Statistical Basis: Six-minute average

### UNF 0001 PAL LLC - Entire Facility-Port Allen Land, LLC

## SPECIFIC REQUIREMENTS

AI ID: 195964 - Port Allen Land LLC

Activity Number: PER20150001

Permit Number: 3120-00115-00

Air - Minor Source/Small Source Initial

### UNF 0001 PAL LLC - Entire Facility-Port Allen Land, LLC

- 10 [LAC 33:III.1103] Emissions of smoke which pass onto or across a public road and create a traffic hazard by impairment of visibility as defined in LAC 33:III.111 or intensifies an existing traffic hazard condition are prohibited.
- 11 [LAC 33:III.1109.B] Outdoor burning of waste material or other combustible material is prohibited.
- 12 [LAC 33:III.1303.B] Emissions of particulate matter which pass onto or across a public road and create a traffic hazard by impairment of visibility or intensify an existing traffic hazard condition are prohibited.
- 13 [LAC 33:III.2113.A] Maintain best practical housekeeping and maintenance practices at the highest possible standards to reduce the quantity of organic compounds emissions. Good housekeeping includes, but is not limited to, the practices listed in LAC 33:III.2113.A.1 through A.5.
- 14 [LAC 33:III.219] Failure to pay the prescribed application fee or annual fee as provided herein, within 90 days after the due date, will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the Louisiana Environmental Quality Act including, but not limited to, revocation or suspension of the applicable permit, license, registration, or variance.
- 15 [LAC 33:III.2901.D] Discharges of odorous substances at or beyond property lines which cause a perceived odor intensity of six or greater on the specified eight point butanol scale as determined by Method 41 of LAC 33:III.2901.G are prohibited.
- 16 [LAC 33:III.2901.F] If requested to monitor for odor intensity, take and transport samples in a manner which minimizes alteration of the samples either by contamination or loss of material. Evaluate all samples as soon after collection as possible in accordance with the procedures set forth in LAC 33:III.2901.G.
- 17 [LAC 33:III.501.C.6] Toxic air pollutants (TAP)  $\leq 20$  tons/yr for aggregate TAPs. Non-compliance with this limit is a reportable violation of the permit. Notify the Office of Environmental Compliance, Enforcement Division, if the facility-wide emissions of aggregate TAP s exceed the maximum listed in this specific condition.
- 18 [LAC 33:III.501.C.6] Which Months: Phases: Statistical Basis: Twelve-month rolling average (rolling 1-month basis)  
Use of any material containing a Louisiana Toxic Air Pollutant (TAP) listed in Table 51.1, 51.2, or 51.3 of LAC 33:III.Chapter 51 is permitted. Emissions of any TAP for which this permit lists a facility-wide emission limitation shall be limited to the amount stated. Emissions of any TAP for which this permit does not list a facility-wide emission limitation shall be limited to an amount less than the Minimum Emission Rate (MER) for that TAP as listed in Tables 51.1 and 51.2 of LAC 33:III.5112. Emissions of any TAP not listed in the Emission Rates for TAP/HAP and Other Pollutants section of this permit in an amount greater than or equal to the MER shall require a permit modification prior to use. Permittee may emit any TAP listed in Table 51.3 of LAC 33:III.5112 at any rate so long as the facility-wide total emission of TAP remains below the amount shown in this specific condition. Non-compliance with this limit is a reportable violation of the permit. Notify the Office of Environmental Compliance, Enforcement Division, if the facility-wide emissions of TAP exceed the maximum listed in this specific condition for any twelve consecutive month period.
- 19 [LAC 33:III.537] Comply with the Louisiana General Conditions as set forth in LAC 33:III.537.
- 20 [LAC 33:III.5611.A] Submit standby plan for the reduction or elimination of emissions during an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency: Due within 30 days after requested by DEQ.
- 21 [LAC 33:III.5611.B] During an Air Pollution Alert, Air Pollution Warning or Air Pollution Emergency, make the standby plan available on the premises to any person authorized by DEQ to enforce these regulations.

**SPECIFIC REQUIREMENTS**

**AI ID: 195964 - Port Allen Land LLC**

**Activity Number: PER20150001**

**Permit Number: 3120-00115-00**

**Air - Minor Source/Small Source Initial**

**UNF 0001 PAL LLC - Entire Facility-Port Allen Land, LLC**

22 [LAC 33:III.919]

Submit Emission Inventory (EI)/Annual Emissions Statement: Due annually, by the 30th of April to the Office of Environmental Services, for the reporting period of the previous calendar year that coincides with period of ownership or operatorship, unless otherwise directed by DEQ. Submit both an emissions inventory and the certification statement required by LAC 33:III.919.F.1.c, separately for each AI, in a format specified by DEQ. Include the information specified in LAC 33:III.919.F.1.a through F.1.d.

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## **Cathy Thompson Wilson**

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**From:** Charles Brumfield <charles.brumfield@eaglered.com>  
**Sent:** Monday, May 04, 2015 8:43 AM  
**To:** Cathy Thompson Wilson  
**Subject:** RE: AI 195964 PER20150001

Cathy,

I do not need to review the draft of the permit. Please route for final signature. Thank you.

### ***Charles "Beaux" Brumfield***

Sr. Air Project Lead  
Eagle Environmental  
18369 Petroleum Drive  
Baton Rouge, LA 70809  
Office: 225.757.0870  
Fax: 225.757.8855  
Mobile: 225.205.7096  
[Charles.Brumfield@eaglered.com](mailto:Charles.Brumfield@eaglered.com)



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**From:** Cathy Thompson Wilson [<mailto:Cathy.Thompson@LA.GOV>]  
**Sent:** Monday, April 27, 2015 2:41 PM  
**To:** Charles Brumfield  
**Subject:** RE: AI-195964 PER20150001

I made the changes, but I'll look over everything again tonight and it will go into routing in the morning. Thanks and take care.

---

**From:** Charles Brumfield [<mailto:charles.brumfield@eaglered.com>]  
**Sent:** Monday, April 27, 2015 2:29 PM  
**To:** Cathy Thompson Wilson  
**Subject:** RE: AI 195964 PER20150001

Cathy,

We lost power all morning and just got it back a little while ago. Here are the changes. Let me know if you have any questions.

### ***Charles "Beaux" Brumfield***

Sr. Air Project Lead  
Eagle Environmental  
18369 Petroleum Drive  
Baton Rouge, LA 70809  
Office: 225.757.0870  
Fax: 225.757.8855  
Mobile: 225.205.7096

[Charles.Brumfield@eaglered.com](mailto:Charles.Brumfield@eaglered.com)



**From:** Cathy Thompson Wilson [<mailto:Cathy.Thompson@LA.GOV>]

**Sent:** Monday, April 27, 2015 2:07 PM

**To:** Charles Brumfield

**Subject:** AI 195964 PER20150001

Not sure about the weather there, I know a lot of power outages are being reported. Just reminding you to email me the changes we talked about this morning concerning the loading hours and throughput. Take care and thanks.

Message

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**From:** Elliott, Ross [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=33CB08013CC94C21A3E3236DBAD4C4A4-REELLIOT]  
**Sent:** 7/17/2018 8:21:43 PM  
**To:** Young, Jessica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=26404c78d3dc441f810ac723cf8f9d49-JBIEGELS]; Atagi, Tracy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ebcfd670077440dfb63a691749f20af2-TATAGI]  
**Subject:** RE: DSW Rule and TDUs

I am out that week.

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**From:** Young, Jessica  
**Sent:** Tuesday, July 17, 2018 4:13 PM  
**To:** Atagi, Tracy <Atagi.Tracy@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>  
**Subject:** FW: DSW Rule and TDUs

So, should I include you both on this call next week with US Ecology? Or just Tracy and I? See below.

Thanks,  
Jessica

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Jessica Young  
Chief of Recycling and Generator Branch  
Office of Resource Conservation and Recovery  
Desk Phone: 703-308-0026

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**From:** Brian Lindman [<mailto:brian.lindman@usecology.com>]  
**Sent:** Tuesday, July 17, 2018 12:39 PM  
**To:** Young, Jessica <[Young.Jessica@epa.gov](mailto:Young.Jessica@epa.gov)>  
**Subject:** RE: DSW Rule and TDUs

Thank you, Jessica.

I am not available next week on Wednesday, but Andy Marshall and Carl Palmer can and will participate. We plan to keep this call small so the conversation does not get off track. But if you feel it is necessary to invite others from your end, please let me know and I will added them to our Meeting Invite.

Once I hear back from you I will have Beth Mickelson from US Ecology sent out a meeting invite to the three of you.

Again , thank you for your time.

Brian Lindman

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**From:** Young, Jessica <[Young.Jessica@epa.gov](mailto:Young.Jessica@epa.gov)>  
**Sent:** Monday, July 16, 2018 2:42 PM  
**To:** Brian Lindman <[brian.lindman@usecology.com](mailto:brian.lindman@usecology.com)>  
**Subject:** RE: DSW Rule and TDUs



Hi Brian,

Thanks for reaching out. Either myself, or others in my group and division have been on the calls with Region 6, so we are well versed on the issue. Unfortunately I am not available to meet this week as my schedule is jam packed as is my staffs'.

While I don't think we missing any information on this issue, if you feel it critical to have a call sometime next week, we could make that work on Wednesday July 25 at 3 pm.

Thanks,  
Jessica

---

Jessica Young  
Chief of Recycling and Generator Branch  
Office of Resource Conservation and Recovery  
Desk Phone: 703-308-0026

---

**From:** Brian Lindman [mailto:brian.lindman@usecology.com]  
**Sent:** Saturday, July 14, 2018 6:25 PM  
**To:** Young, Jessica <Young.Jessica@epa.gov>  
**Subject:** DSW Rule and TDUs

Hi, Jessica,

We have never met, but have been together on a few calls lately regarding the DSW-Verified Recycler Exclusion (VRE) and the Thermodyne TDU in Louisiana.

Andy Marshall our EVP of EHS and myself will be in Washington this week for some other meetings and were wondering if you had a moment to sit down with us to discuss the VRE and our concerns with it impacting regulatory consistency across the country.

We have Thursday afternoon wide open for you, but are open to other times if that does not work for you?

You can also call me at 303-818-5456 if you prefer.

**Brian Lindman**  
Environmental Regulatory Director  
p:(303) 818-5456



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
1445 Ross Avenue  
Dallas, Texas 75202-2733

JUN 24 2016

Mr. Estuardo Silva  
Louisiana Department of Environmental Quality  
Office of Environmental Services  
Waste Permits Division  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313

RE: Draft Hazardous Waste Modified Operating and Post Closure Permit  
Chemical Waste Management, Inc.  
7170 John Brannon Road  
Carlyss, LA 70665  
Permit# LAD00077201-OP-RN-MO-1  
AI# 742/PER20140007

Dear Mr. Silva:

EPA has the following comments on the draft Hazardous Waste Operating and Post Closure Permit for the Chemical Waste Management, Inc. facility located at 7170 John Brannon Road, Carlyss, LA 70665 (Draft Permit). Chemical Waste Management, Inc. (Chem Waste) seeks to add two oil recovery units (ORUs), two thermal desorber units (TDUs), and 19 associated tanks to its operations at its Carlyss, Louisiana facility. The ORUs will be utilized to separate recoverable oils from drilling fluids, refinery tank bottoms, commercially exempt waste, and other non-hazardous and hazardous waste. The TDUs will treat contaminated tank bottoms, sludge, catalyst slurry oil, and other non-hazardous and hazardous waste. The TDUs will be designed to separate organic constituents from a waste stream by condensing the organic components, which would allow for the recovery or disposal of the contaminants. The non-condensable gases will be routed to a thermal oxidizer unit (TOU). The TDU is proposed to be permitted as a miscellaneous unit.

Condition II.E.25.e of the Draft Permit provides that "[o]ne hundred and eighty (180) days before planned construction, the Permittee must submit finalized engineering specifications and operating parameters for the proposed Thermal Desorber Units to the Administrative Authority for approval. The information submitted must comply with the requirements of this permit and L.A.C. 33:V. Chapter 32, and all applicable regulations." Chapter 32 is entitled "Miscellaneous Units", and is the State equivalent of 40 C.F.R. Part 264, Subpart X. Due to the absence of any proposed engineering specifications, performance test, operating conditions, operating parameters, monitoring and recordkeeping requirements, we have identified permit requirements for the TDU and TOU below that we believe are required by the regulations for operation of the TDU and TOU.

How the TDU and TOU are permitted determine the appropriate permit requirements for the units. The material being treated in the TDU and the TOU is already a hazardous waste. Thermal treatment after a material becomes a hazardous waste is fully regulated under RCRA, 54 Fed. Reg. 50968, 50973 (December 11, 1989). The combustion of the non-condensable gases in the TOU meets the

definition of "thermal treatment" in L.A.C. 33:V.109 [40 C.F.R. § 260.10] and thus requires a RCRA permit. The TOU would meet the definition of incinerator in L.A.C. 33:V.109 [40 C.F.R. § 260.10] (an enclosed device that uses controlled flame combustion). However, rather than permitting the TOU as an incinerator, LDEQ could permit the TDU and TOU together as a miscellaneous unit under L.A.C. 33:V. Chapter 32 [40 C.F.R. Part 264, Subpart X]. If this occurs, then LDEQ is required to include in the permit requirements from L.A.C. 33:V. Chapters 3, 5, 7, 17, 19, 21, 23, 25, 27, 29, 31, 4301.F, H, 4302, 4303 and 4305, all other applicable requirements of L.A.C. 33:V. Subpart 1, and of 40 C.F.R. Part 63, Subpart EEE and 40 C.F.R. Part 146, that are appropriate for the miscellaneous unit being permitted.<sup>1</sup>

The decisions as to what appropriate requirements would be included in the permit would be left to LDEQ. However, we believe that the permit conditions would be similar to those set forth in the enclosed Consent Agreement and Final Order, In Re: US Ecology Texas, Inc. and TD\*X Associates, LP, EPA Docket Nos. RCRA-06-2012-0936 and RCRA-06-2012-0937, filed October 4, 2012. These permit conditions would include, but not be limited to: 1) a startup, shutdown, and malfunction plan; (2) a performance test, which includes meeting a 99.99% destruction removal efficiency for each principle organic hazardous constituent and meeting certain emission limits; (3) automatic waste feed cutoff system; (4) operating parameters; and (5) investigation, recordkeeping, testing, and reporting requirements. This position was also previously communicated to LDEQ in a letter from EPA to Mr. J. D. Head dated May 2, 2016, in which a copy was sent to LDEQ. A copy of this letter is also enclosed.

If you have any questions, please feel free to call me at (214) 665-8022.

Sincerely,



Susan Spalding  
Associate Director  
Hazardous Waste Branch (6MM-R)  
Multimedia Division

Enclosure

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<sup>1</sup> The equivalent Federal provisions are 40 C.F.R. Part 264, Subparts I through O, AA, BB, and CC, 40 C.F.R. Part 270, 40 C.F.R. Part 63, Subpart EEE, and 40 C.F.R. Part 146. 40 C.F.R. § 264.601.



TD\*X Associates LP  
148 South Dowlen Road, PMB 700  
Beaumont, TX 77707

*From the Desk of*  
Carl R. Palmer  
TD\*X Associates, LLC  
PO Box 13216  
Research Triangle Park, NC 27709  
ph (919) 349-1583  
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E-mail: [cpalmer@tdxassociates.com](mailto:cpalmer@tdxassociates.com)

July 16, 2018

Oregon Department of Environmental Quality  
Eastern Region, Bend Office  
Attn: Mr. David Anderson  
475 NE Bellevue Drive, Suite 110  
Bend, OR 97701

VIA Email. [anderson.david@deq.state.or.us](mailto:anderson.david@deq.state.or.us)

**SUBJECT: Class 3 Permit Modification Request for Incorporation of Organic Recovery Unit 2 Tanks into the Chemical Waste Management of the Northwest Hazardous Waste Permit ORD 089 452 353**

Dear Mr. Anderson;

I have reviewed the May 30, 2018 email notification regarding the subject Class 3 Permit Modification regarding CWMNW's request to install a second Organic Recovery Unit (ORU-2). This unit is actually a thermal desorption unit (TDU) that provides thermal treatment of hazardous waste materials and combusts a portion of the waste material in an associated thermal oxidizer (TO). This letter presents my comments on the permit notice. I am also providing comments on CWMNW's permit modification documents as it relates to this matter.

I request that a public hearing be scheduled to provide for public comment on this permit action. This is especially appropriate considering the large difference between the draft permit conditions and what are required for RCRA permitted hazardous waste thermal treatment as proposed by CWMNW.

I am trying to secure the actual permit so as to be able to provide specific comments on the permit language. Your staff is working to provide the permit document, which I understand is approximately 25 pdf files that are too large to email. I hope that you can accept my comments in this letter in advance of specific comments regarding the appropriate permit language to regulate the operation of a TDU that combusts all or a portion of the vent gases resulting from the thermal treatment of hazardous waste.

The EPA has clearly determined that a TDU such as proposed by CWMNW is fully regulated hazardous waste thermal treatment, subject to RCRA permitting under 40 CFR Part 264 Subpart X as a “Miscellaneous Unit.” This is the case even for units that are engaged in a legitimate recycling activity, such as the recovery of oil from oil bearing hazardous waste from petroleum refining, production and transportation practices. Furthermore, the unit is subject to compliance with the emission limits of 40 CFR Part 63 Subpart EEE (i.e. MACT EEE). Exhibit 1 provides EPA letters communicating these requirements.

Both the Permit notice and the CWMNW standalone attachments 22 and 23 lack any requirement or commitment for the TDUs to meet the emission limits that are required to be met for hazardous waste thermal treatment that is permitted under the Miscellaneous Unit standards of 40 CFR Part 264 Subpart X. Under these statute, and specifically detailed in multiple EPA determinations since 2010, the TDUs must be required to meet the emission limits from 40 CFR Part 63 Subpart EEE. The Draft permit should be revised to specifically include these requirements and establish that the exhaust gases from the TDU thermal oxidizer meet promulgated emission limits under 40 CFR 63.1219(b), including meeting specified emission limits for dioxins and furans, mercury, semi-volatile metals (cadmium and lead), low-volatile metals (arsenic, beryllium and chromium), carbon monoxide and hydrocarbons, hydrogen chloride and chlorine gas, particulate matter, and destruction and removal efficiency (DRE).

In addition to requiring the TDUs to meet the appropriate emission limits, both the Draft permit and the permit application must be revised to include the following:

- CWMNW should provide the Department with detailed information describing the waste intended to be managed and the appropriate technical information for the hazardous waste thermal treatment unit, as required by 40 CFR §270.19;
- CWMNW should provide a “trial burn” plan or “comprehensive performance test” (CPT) plan specifically addressing demonstrating their unit’s compliance with 40 CFR Part 63 Subpart EEE (aka MACT EEE) emission limits, and the Department should make implementation of this testing a condition of the operation of the TDUs (typically within the first 720 hours of operation);
- CWMNW should provide a description of the ORU-2 automatic waste feed cutoff (AWFCO) system, and adopt appropriate interim operating parameter limits (OPLs) that will assure continued compliance with MACT EEE emission limits, adopt final OPLs based on measurements made in the CPT when the unit is operating in compliance with MACT EEE emission limits, and the Department should make compliance with these AWFCOs and OPLs a condition of the permit;
- CWMNW should provide detailed feedstream management plan, perferably as part of the facility waste acceptance plan (WAP) to assure that OPLs related to the ORU-2 feedstream are in continuous compliance with values demonstrated in the CPT; such as limits on the mass feed rate and/or concentration for mercury, semi-volatile metals, low-volatile metals, and hydrogen chloride generators.
- CWMNW should provide detailed description and compliance and monitoring limits

for air emissions control associated with the proposed waste receiving activities for the ORU. It is well known that oil bearing hazardous waste from petroleum refining contains VOCs greater than 500 ppm, and the receiving and management of that material is subject to the requirements of 40 CFR Part 264 Subpart CC.

In support of the above comments I refer the Department to US District Court Eastern District of Arkansas, Civil Action 4-07-CV 01189-SWW, United States of America vs. Rineco Chemical Industries, May 19, 2010 Consent Decree. This document is provided in Exhibit 2. In the Rineco matter USEPA Region 6 and the Federal Court concluded that a thermal desorption unit that combusts in an associated thermal oxidizer the non-condensable organic chemical constituents generated from hazardous waste feeds is a RCRA permitted thermal treatment unit subject to 40 CFR Part 264 Subpart X, and specifically subject to the appropriate requirements of both 40 CFR Part 264 Subpart O and 40 CFR Part 63 Subpart EEE. Rineco was required to adopt "interim" operating parameter limits so that operation of the TDU and TO did not exceed Subpart EEE emissions limits, and to prepare a CPT plan, and to perform a CPT, and to adopt final operating parameter limits based on the CPT such that Subpart EEE emissions limits were not exceeded during subsequent operation of the TDU and its associated TO.

This regulatory doctrine has since been reinforced through USEPA Region 6 Consent Agreement and Final Order (CAFO) with US Ecology Texas and TD\*X Associates LP, dated October 4, 2012. That CAFO drew essentially the same conclusions as in the Rineco matter. Furthermore, USEPA Region 6 has recently issued a guidance letter confirming this regulatory doctrine for TDUs that are located at treatment, storage and disposal facilities (TSDFs). Both that guidance letter, addressed to J.D. Head dated May 2, 2016, and the request letter that lead to it are included as Exhibit 1 to this comment letter.

I must also point out that CWM's Lake Charles, LA facility is installing two TDUs for the exact same purpose as the proposed ORU-2 at CWMNW. EPA has determined that those units are subject to RCRA permitting under 40 CFR Part 264 Subpart X and must comply with the MACT EEE emission limits. A June 24, 2016 letter from EPA to LDEQ is provided in Exhibit 1 to this affect. The CPT plan for these units is provided as Exhibit 3 to this letter.

I have an additional comment related to the fact that CWMNW appears to be planning on generating and selling a recycled oil from the processing of hazardous waste in the ORUs. The Department should implement specific conditions of operation for both ORUs to preclude the disposal of listed hazardous waste in the "recycled oil" that is generated from these units. The Waste Analysis Plan ("WAP") provided by CWMNW should include provisions for testing of the "recovered oil" to establish that it is neither a hazardous waste, or derived from a hazardous waste. The WAP should further provide a feedstream management plan for the ORUs to assure that "recovered oil" generated by these units does not instead contain listed or otherwise hazardous waste materials. In the absence of these features of the WAP, the Department should make a condition of operation of the ORUs that the oil recovered from them be manifested and disposed as hazardous waste.




Finally, I might add that the existing thermal desorption unit (ORU-1) operated by CWMNW should be subject to compliance with the same emission limits, testing requirements, installation of an AWFCO, and adoption of OPLs as described above. It would be most appropriate to include these requirements in the upcoming 10 yr renewal of the CWMNW RCRA Part B permit. If the units are identical in design and mode of operation, the same testing and OPL settings would be appropriate for ORU-1 as for ORU-2. However, that is a matter to be determined based on a detailed review of the design and operating plan for the ORU-1 unit.

It is difficult to tell from the notice. However, the Stand Alone Attachment #22 indicates the ORU-2 was constructed in 2017. If the unit is presently in operation, it should be immediately required to come into compliance with RCRA, adopt interim OPLs, perform a CDT, and adopt final OPLs.

I am also providing detailed itemized comments on both the published Draft Permit Attachments. These comments are provided on the following pages.

I cannot stress enough to you the importance of addressing each of my comments with additional submission of information by CWMNW and appropriate operating and testing requirements in the final permit. I will be calling you and Richard Duval to verify your understanding of my comments and to confirm the Department's plan for requiring appropriate action by CWMNW in this matter.

Sincerely,

 2018.07.16  
17:12:41 -04'00'

Carl R. Palmer, P.E.  
TD\*X Associates LP

Cc Tim Hamlin USEPA Region 10

## ITEMIZED COMMENTS ON ODEQ DRAFT PERMIT MODIFICATION

### Appendix D – Stand Alone Document #22 Organic Recovery Unit #2

#### Section 1.4 Wastes Approved for Recycling

This section incorrectly states that the waste material being treated by the system is excluded under 40 CFR 261.6(3)(iv)(C). First, the correct citation is 40 CFR 261.6(a)(3)(iv)(C). That exclusion from RCRA for recycled materials states:

*(a)(3) The following recyclable materials are not subject to regulation under parts 262 through parts 268, 270 or 124 of this chapter, and are not subject to the notification requirements of section 3010 of RCRA*

...

*(a)(3)(iv)(C) Oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under §279.11 of this chapter.*

This exclusion pertains to only the oil reclaimed from ORU-2, provided that the feed materials are oil bearing hazardous waste (OBHW) exclusively from petroleum refining, production, and transportation practices, and that the reclaimed oil meets the used oil fuel specification at §279.11. The exclusion does not apply to the OBHW received at the facility, nor to the residuals from the treatment process. Only the reclaimed oil is excluded from RCRA. Based on EPA guidance and enforcement actions, because the ORU-2 combusts the gases derived from thermal treatment of the OBHW, the recycling process is subject to permitting under 40 CFR 264 Subpart X and is also subject to the emission limits of MACT EEE.

The section should be rewritten incorporating the above permit doctrine.

#### Section 1.5 Waste Segregation

This section seems to indicate that the ORU-2 unit may be used to manage materials in a mode that is not for recycling, but rather for disposal of “non-exempt” RCRA regulated materials. If material with different chemical composition than OBHW from petroleum refining is intended to be managed in ORU-2, then the waste description, RCRA codes, chemical and physical properties of that material should be added to the planning documents for the CPT. Appropriate unit and feedstream OPLs should be included for that additional material as a second mode of operation in the CPT.



## **Section 2.4 Feed Systems**

It is noted that OBHW feed material frequently has total VOC content greater than 500 ppm. This material is subject to emission control under 40 CFR 264 Subpart CC. This section describes the creation of waste piles in building B-5. No description of Subpart CC compliant emission controls is provided.

## **2.7 Petroleum Fractions**

This section improperly cites 40 CFR 261.4(a)(12). That exclusion from RCRA is available only to oil recovered from OBHSM at petroleum refineries and injected into the refining process as part of the continuous manufacturing process. It is not available to recovered oil from a TSDF. Furthermore, the reclaimed oil is only excluded under 40 CFR 261.6(a)(3)(iv)(C) if it meets the used oil specification in Table 279.11 and the oil is burned as a fuel. That qualification should be added to the text.

The recovered oil can be recycled and sold to a refinery for insertion into the refining process as an effective substitute for crude oil or other petroleum fractions. This is a most basic exclusion in RCRA, that products are not waste, and is neither part of the Definition of Solid Waste nor exclusions from it. To implement that exclusion, the recycling would require both CWMNW and the receiving refinery to perform a legitimacy determination, and enter into a contract, and some other basic requirements to prevent discard. The permit should also include appropriate conditions to assure that this provision is implemented without any discard, or inappropriate fuel burning of off-specification material.

## **2.9 Air Emission Controls**

The following text should be added at the end of the paragraph.

The combined operation of the ORU-2 and the thermal oxidizer are regulated by 40 CFR 264 Subpart X, and are subject to *the requirements of subparts I through O and subparts AA through CC of this part, part 270, part 63 subpart EEE, and part 146 of this chapter that are appropriate for the miscellaneous unit being permitted*. As such, CWMNW shall submit a CPT plan within 180 days prior to operation of the ORU-2. The CPT plan shall include initial operating parameter limits (OPLs) for both process operating parameters and waste constituents in the ORU feedstream (i.e. mercury, semi-volatile metals, low-volatile metals, and hydrogen chloride). A CPT shall be performed within 720 hours of initial operation of the unit demonstrating compliance with the MACT EEE emission limits in 40 CFR 63 §1219(b). Final OPLs shall be adopted after the CPT that assure continued compliance with these emission limits.

### **6.1.2 40 CFR Part 264, Subpart X Compliance**

As stated above, based on EPA guidance and enforcement actions, because the ORU-2 combusts the gases derived from thermal treatment of the OBHW, the recycling process is subject to

permitting under 40 CFR 264 Subpart X and is are subject to *the requirements of subparts I through O and subparts AA through CC of this part, part 270, part 63 subpart EEE, and part 146 of this chapter that are appropriate for the miscellaneous unit being permitted.*

### **6.2.2 40 CFR Part 264, Subpart BB Applicability and Compliance**

This section incorrectly states that the operations are not subject to Subpart BB. The only material that is excluded from RCRA in this operation is the reclaimed oil, provided it meets certain enumerated restrictions as noted above. The requirement to meet Subpart BB is clearly stated below.

*§261.6(d) Owners or operators of facilities subject to RCRA permitting requirements with hazardous waste management units that recycle hazardous wastes are subject to the requirements of subparts AA and BB of part 264, 265 or 267 of this chapter.*

The section should be re-written as follows:

ORU-2 systems are subject to the requirements of 40 CFR Part 264 Subpart BB. CWMNW will develop a compliant inspection and recordkeeping plan. Results of the plan will be maintained on-site and available for inspection by ODEQ personnel.

### **6.2.3 40 CFR Part 264, Subpart CC Applicability**

This section states that the ORU-2 is not subject to Subpart CC while performing recycling operations. That may be true for the “recycling process itself” as stated in §264.6(c)(1). However, the material receipt and preparation for “recycling” is subjected to Subpart CC, including the creation of waste piles in building B-5 as described in this same document. If material subject to either BWON or RCRA Subpart CC is managed in this feed area, it should be provided with VOC emissions control. Does building B-5 have VOC emission control. It appears to have a baghouse. Does it have activated carbon filter? Thermal oxidizer? What are the monitoring and recordkeeping requirements for those units? Carbon filtration requires breakthrough monitoring, preferably according to a plan reviewed and approved by ODEQ. Similarly for a TO. Does building B-5 have adequate ventilation control and entry doors to maintain negative pressure in the building during material movements?

This section further states that the Subpart FF “BWON” regulations apply at times to the unit, and relies on meeting Subpart CC for the tank system by simultaneously meeting BWON. This section should provide at least a general description of how that compliance is managed. For example, if emissions control is provided by the thermal oxidizer, what is done for the period of time that the TDU is not operational? Is there a backup activated carbon adsorption filter for those time periods? It is hard to expect that the tanks are emptied when the TDU and/or TO is not operational. If carbon is used, what is the monitoring and recordkeeping? Has an ODEQ reviewed monitoring plan been prepared?

## **Section 7 ORU-2 Controls and Monitoring**

A specific section should be added to Section 7 describing the Automatic Waste Feed Cutoff System that is required by 40 C.F.R. § 63.1206(c)(3). Appropriate monitored parameters for the AWFCO on a TDU include:

- Internal pressure on the TDU primary desorption chamber, maintained to be a pressure that contains the hazardous waste during operation of the unit, most likely set to maintain a “negative draft” condition in the feed area of the “rotating cylinder” of the ATDU
- Velocity measurement on the thermal oxidizer to provide an indication of residence time to assure adequate combustion,
- Temperature measurement on the thermal oxidizer exhaust to assure adequate combustion. This is CP4 on the CWMNW unit.
- Temperature at the outlet of the condensing system.
- Oxygen concentration measurement in the TDU to prevent combustion or unsafe fires and explosions
- Additional process monitors that are required to assure continuous compliance with MACT EEE emission limits.

A continuous process monitor is required to measure the temperature at the outlet of the condensing system. Considering that the hazardous waste pollutant load on the thermal oxidizers is a strong function of the outlet temperature of the condensing systems, the AWFCO parameters should include a temperature limit for the outlet of the condensers. It is known from Raoult’s Law and the vapor pressure properties of the types of materials that CWMNW proposes to treat that the mercury concentration in the condenser effluent approximately doubles for every 18°F increase in the condenser outlet temperature. Individual condensible hydrocarbon compound vapor pressure also doubles, impacting condensing efficiency, but that is hydrocarbon compound specific. Without a limit on condenser temperature, excessive mercury can be emitted if the unit is operated at elevated condenser outlet temperatures as compared to those from the CPT. Also, increased unburned hazardous waste chemical emissions could result. The final permit limit should also be as is demonstrated in the CPT, to assure continued compliance with the emissions that are demonstrated in the CPT.

The other parameters mentioned above should be obvious as being required by an experienced operator of a TDU.

### **Section 7.1 Control Device Monitoring**

The monitoring required by 40 CFR 61 Subpart FF “BWON” also includes leak checking by instrument “Method 21” for the containers, tanks, the waste management unit, oil water separators, closed vent system and control devices. All of the process piping on the TDU should be included in the leak checking for the Waste Management Unit. Otherwise, RCRA Subpart BB LDAR should be followed for the process piping as mandated by §261.6(d). BWON is essentially self implementing, and has extensive monitoring, testing, inspection and recordkeeping requirements.

However, ODEQ may require a demonstration of initial compliance for control devices.

Activated carbon filters require breakthrough monitoring. A brief summary of those requirements should be included in this section.

### **Section 7.3 Other Equipment Monitoring**

This section incorrectly states that the ORU-2 is not subject to Subpart BB while performing recycling of oil bearing wastes. Refer to comments above in Section 6.2.2.

### **COMMENTS ON CWMNW RCRA PERMIT**

Additional specific comments on the actual permit documents, including the facility WAP, will be provide when those documents are made available for review.

## EXHIBIT 1

A - Letter dated October 3, 2015 from JD Head to USEPA Region 6

B - Letter dated May 2, 2016 from USEPA Region 6 to JD Head

C - Letter dated June 24, 2016 from USEPA Region 6 to Estuardo Silva LDEQ



FRTZ, BYRNE, HEAD & FITZPATRICK, PLLC

*Attorneys at Law*

October 30, 2015

**Mr. John Blevins**  
**Compliance Assurance & Enforcement Division**  
**Division Director 6EN**  
**U.S. EPA, Region 6**  
**1445 Ross Avenue, Suite 1200**  
**Dallas, TX 75202-2733**

**SUBJECT: Hazardous Waste Regulatory Standards for Thermal Desorption Units at TSDFs**

Dear Mr. Blevins:

Thermal desorption units (TDUs) are broadly used to treat hazardous waste and hazardous secondary materials. The application of thermal desorption technology within a recycling or reclamation process has been reviewed by Region 6 in multiple enforcement cases. The resulting allegations and consent agreements have established EPA's regulatory position. This letter presents my understanding of EPA's position on certain regulatory and technical requirements for TDUs that are installed at a RCRA treatment storage and disposal facility (TSDF).

A TDU is a thermal treatment device that heats solid material to vaporize, remove, and separate organic constituent materials from the solids. The solids are discharged with little or no residual organic contaminants. In the embodiment that is the subject of this letter, the separated organic constituents are condensed and recovered as a liquid. The TDU process characteristically generates a vent gas after the condensing system. When high organic content material is processed in the TDU it is quite common for the unit to combust the vent gas as an effective means of air pollution control. It is the regulatory applicability related to the combustion of all or a portion of the vent gas that I am seeking clarification.

**TDUs at RCRA TSDFs.**

One application of thermal desorption technology is to commercially reclaim oil from various generators of oil bearing hazardous waste. These hazardous wastes are generated by petroleum refining, production and transportation practices, and are typically listed as either K048, K049,

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K050, K051, K052, K169, K170, K171, K172, F037 or F038, or may be hazardous by characteristic (i.e. "D" coded). If the hazardous waste recycled in the TDU comes exclusively from the above sources, the oil reclaimed from the TDU may be burned as a non-hazardous fuel if it meets the Used Oil Specification (UOS) at § 279.11, as per 40 CFR § 261.6(a)(3)(iv)(C). If the oil does not meet the UOS, it would remain a listed waste and require disposal at an appropriately permitted and operated facility, such as a Part 266 "BIF" or a Part 264 Subpart O incinerator. The generator will manifest and ship oil bearing hazardous waste to the commercial facility for treatment and/or reclamation. Based on two focused enforcement actions in EPA Region 6 since 2008, it appears EPA has concluded the following findings and regulatory requirements apply to commercial TDUs receiving offsite RCRA hazardous waste for treatment or reclamation.

1. For a TDU that combusts all or a portion of the vent gas, combustion of the TDU vent gas from RCRA hazardous waste or recyclable RCRA regulated materials is considered thermal treatment that is regulated by RCRA.
2. Thermal treatment of the vent gas requires a RCRA permit, 40 CFR Part 264 Subpart X or Subpart O, and a RCRA permit under one of these Subparts is required even if the facility is operating as a RCRA exempt recycling activity.
3. For TDUs with vent gas combustion processes that are permitted under RCRA Subpart X, the RCRA permitting authority should include in the permit application and final permit appropriate conditions from RCRA Subparts I through O, AA, BB and CC, and also include appropriate conditions from Part 63 Subpart EEE (i.e. the MACT "EEE").
4. The TDU must have an automatic waste feed cutoff system and establish appropriate operating parameter limits (OPLs) prior to initial operation to assure continued compliance with all emissions limits.
5. Minimum appropriate conditions from the MACT "EEE" include compliance with emission limits for particulate matter, hydrochloric acid, volatile metals (Hg), semivolatile metals, low volatile metals, destruction and removal efficiency, carbon monoxide, total hydrocarbons, and dioxins.
6. A compliance demonstration test (Trial Burn) is required to establish that the emissions from the combustion of the vent gas meet the emissions limits that were determined appropriate for the unit, including MACT "EEE."
7. Final OPLs shall be derived from demonstrated test conditions and established as permit requirements for the continued operation of the TDU.
8. Failure to demonstrate compliance with emissions limits requires shutdown of the TDU on RCRA regulated waste materials until corrective measures and re-demonstration can be implemented.

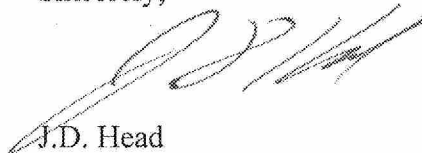
Please confirm that each of these enumerated statements accurately reflect EPA's regulatory conclusions for the management of commercial TDUs that combust vent gases generated from receiving offsite hazardous waste for treatment or reclamation at a TSDF.

Your support in clarifying these matters is most appreciated. My client intends to construct and install one or more TDUs in Region 6 that may be located at a TSDF and desires regulatory certainty on the issues discussed herein.

Mr. John Blevins  
Regulatory Standards

October 30, 2015  
Page 3

Sincerely,

A handwritten signature in black ink, appearing to read 'J.D. Head', written over a horizontal line.

J.D. Head

Fritz, Byrne, Head & Fitzpatrick, PLLC  
221 W. 6<sup>th</sup> Street, Suite 960  
Austin, Texas 78701  
(512) 476-2020 telephone  
[jdhead@fbhf.com](mailto:jdhead@fbhf.com)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
1445 Ross Avenue  
Dallas, Texas 75202-2733

2 MAY 2016

Mr. J.D. Head  
Fritz, Byrne, Head & Fitzpatrick, PLLC  
221 West 6<sup>th</sup> Street  
Suite 960  
Austin, Texas 78701

Dear Mr. Head:

Thank you for your October 30, 2015 letter requesting clarification of the hazardous waste regulatory standards for thermal desorption units (TDUs) installed at RCRA treatment, storage, and disposal facilities (TSDFs). I apologize for the delay in responding to your request. In your scenario, the TDU reclaims oil from oil bearing hazardous wastes generated by petroleum refining, production, or transportation practices. You describe a TDU as a device that heats solid material to vaporize, remove, and separate organic constituent materials from solids. In the scenario you describe at a TSDF, the separated organic constituents are typically condensed and recovered as a liquid oil. The TDU process also generates a vent gas after the condensing stream.

Your inquiry also references 40 C.F.R. § 261.6(a)(3)(iv)(C)<sup>1</sup>, which provides that:

Oil reclaimed from oil-bearing hazardous waste from petroleum refining, production, or transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the used oil specification under 40 C.F.R. § 279.11 is not subject to regulation under 40 C.F.R. Parts 262 – 268, 270, or 40 C.F.R. Part 124, and is not subject to the notification requirements of Section 3010 of RCRA.

If the above conditions are met, then the reclaimed oil can be burned as a non-hazardous fuel. If the oil-bearing hazardous waste is not from petroleum refining, production, or transportation practices, then the reclaimed oil is subject to RCRA regulation.

If a TDU combusts all or a portion of the vent gas, combustion of the TDU vent gas from RCRA hazardous waste or recyclable materials [40 C.F.R. § 261.6(a)(1)] is considered thermal treatment that is regulated by RCRA. The material being treated (oil-bearing hazardous waste) is already a hazardous waste. Heating hazardous wastes to a gaseous state is subject to regulation under RCRA as treatment of hazardous waste, and thermal treatment after a material becomes a hazardous waste is fully regulated under RCRA. 54 Fed. Reg. 50968, 50973 (December 11, 1989). Thus, thermal treatment of the vent gas requires a RCRA permit.

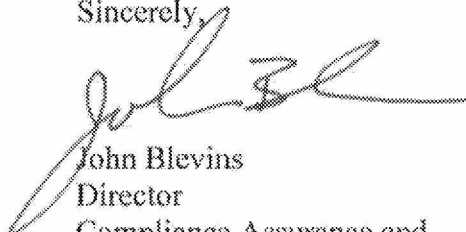
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<sup>1</sup> Since you did not reference a specific State in which your client may operate a TDU, this letter cites to the applicable federal regulations. If the State has an authorized RCRA program, the corresponding state regulation would be applicable.

If the vent gas is combusted in the combustion chamber of the TDU, then a permit under 40 C.F.R. Part 264, Subpart O is required, because the TDU would meet the definition of incinerator in 40 C.F.R. § 260.10 (an enclosed device that uses controlled flame combustion). If, on the other hand, the vent gas is vented to and combusted in a thermal oxidizing unit (TOU), the permitting authority may be able to permit the entire unit (TDU and TOU) as a miscellaneous unit under 40 C.F.R. Part 264, Subpart X. A RCRA permit would be required even if the facility is operating as a RCRA exempt recycling activity under 40 C.F.R. § 261.6(a)(3)(iv)(C). If the permitting authority decides to issue a 40 C.F.R. Part 264, Subpart X permit, the permitting authority is required to include in the permit requirements from 40 C.F.R. Part 264, Subparts I through O, AA, BB, and CC, 40 C.F.R. Part 270, 40 C.F.R. Part 63, Subpart EEE, and 40 C.F.R. Part 146 that are appropriate for the miscellaneous unit being permitted as required in 40 C.F.R. § 264.601. The decisions as to what appropriate requirements would be included in the permit would be left to the permitting authority. However, EPA would expect that the permit conditions would be similar to those set forth in the enclosed Consent Agreement and Final Order, In Re: US Ecology Texas, Inc. and TD\*X Associates, LP, EPA Docket Nos. RCRA-06-2012-0936 and RCRA-06-2012-0937, filed October 4, 2012.

If you have any questions, please feel free to contact Guy Tidmore of my staff at (214) 665-3142 or via e-mail at [tidmore.guy@epa.gov](mailto:tidmore.guy@epa.gov).

Sincerely,



John Blevins  
Director  
Compliance Assurance and  
Enforcement Division

Enclosure

Cc: Penny Wilson, ADEQ  
Lourdes Iturralde, LDEQ  
John Kieling, NMED  
Mike Stickney, ODEQ  
James Gradney, TCEQ



3. For the purposes of this proceeding, the Respondents admit the jurisdictional allegations contained herein; however, the Respondents neither admit nor deny the specific factual allegations contained in this CAFO.

4. The Respondents explicitly waive any right to contest the allegations and their right to appeal the proposed Final Order set forth therein, and waive all defenses which have been raised or could have been raised to the claims set forth in the CAFO.

5. Compliance with all the terms and conditions of this CAFO shall resolve only those violations which are set forth herein.

6. The Respondents consent to the issuance of the CAFO hereinafter recited and consent to the issuance of the Compliance Order contained therein.

## **II. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

### **A. PRELIMINARY ALLEGATIONS**

7. US Ecology Texas, Inc. (USET) is a corporation incorporated under the laws of the State of Delaware and authorized to do business in the State of Texas.

8. TD\*X Associates LP (TD\*X) is a limited partnership authorized to do business in the State of Texas.

9. "Person" is defined in 30 T.A.C. § 3.2(25) [40 C.F.R. §§ 260.10 and 270.2], and Section 1004(5) of RCRA, 42 U.S.C. § 6903(15) as "an individual, corporation, organization, government or government subdivision or agency, business trust, partnership, association, or any other legal entity."

10. The Respondent USET is a "person" as defined by 30 T.A.C. § 3.2 (25) [40 C.F.R. § 260.10], and Section 1004 (15) of RCRA, 42 U.S.C. § 6903(15).

11. The Respondent TD\*X is a “person” as defined by 30 T.A.C. § 3.2 (25) [40 C.F.R. § 260.10], and Section 1004 (15) of RCRA, 42 U.S.C. § 6903 (15).

12. “Owner” is defined in 30 T.A.C. § 335.1(108) [40 C.F.R. § 260.10] as “the person who owns a facility or part of a facility.”

13. “Operator” is defined in 30 T.A.C. § 335.1(107) [40 C.F.R. § 260.10] as “the person responsible for the overall operation of a facility”.

14. “Owner or operator” is defined in 40 C.F.R. § 270.2 as “the owner or operator of any facility or activity subject to regulation under RCRA.”

15. “Facility” is defined in 30 T.A.C. § 335.1(59) [40 C.F.R. § 260.10] as meaning “all contiguous land, and structures, other appurtenances, and improvements on the land, used for storing, processing, or disposing of municipal hazardous waste or industrial solid waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).”

16. The Respondent USET owns and operates a hazardous waste treatment, storage, and disposal (TSD) facility located at 3327 County Road 69, Robstown, TX 78380, EPA I.D. No. TXD069452340, Permit No. HW-50052-001.

17. The TSD identified in Paragraph 16 is a “facility” as that term is defined in 30 T.A.C. § 335.1(59) [40 C.F.R. § 260.10].

18. The Respondent USET is the “owner” and/or “operator” of the facility identified in Paragraph 16, as those terms are defined in 30 TAC § 335.1(107) & (108) [40 C.F.R. § 260.10] and 40 C.F.R. § 270.2.

19. An oil reclamation unit is located at the facility identified in Paragraph 16.

20. The Respondent TD\*X owns and operates a thermal desorption unit (TDU), as well as the feed preparation system that includes a shaker tank (T-30), three mix tanks (T-31, T-32, and T-33), a centrifuge, and a surge tank (T-34) at the oil reclamation unit.

21. The Respondent TD\*X began operating the TDU and related equipment on or about June 15, 2008.

22. On or about June 8 – 11, 2010, June 14 – 17, 2010, and August 9 – 11, 2010, the Respondent USET's TSD facility and the oil reclamation unit were inspected by representatives of EPA pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927.

## **B. VIOLATIONS**

### **Count One – Processing Hazardous Waste Without a Permit or Interim Status**

23. Pursuant to Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)], a RCRA permit or interim status is required for the processing (treatment),<sup>1</sup> storage, or disposal of hazardous waste.

24. “Hazardous waste” is defined in 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3] as “any solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§ 6901 *et seq.*”

25. “Recyclable materials” is defined in 30 T.A.C. §335.24(a) [40 C.F.R. § 261.6(a)(1)] as “hazardous wastes that are recycled”.

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<sup>1</sup> The Texas Administrative Code uses the term “processing” instead of “treatment”. The term “processing” as used by Texas is essentially equivalent to the term “treatment” as used in the federal statute and regulations.

26. The Respondent USET receives “hazardous waste” from off-site generators, as that term is defined by 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3].

27. The Respondent USET receives “recyclable materials” from off-site generators, as that term is defined by 30 T.A.C. § 335.24(a) [40 C.F.R. § 261.6(a)(1)].

28. Recyclable materials destined for oil reclamation are transferred to the Respondent TD\*X by the Respondent USET.

29. Processing (treatment) is defined in 30 T.A.C. § 335.1(122) [40 C.F.R. § 260.10] as follows:

The extraction of materials, transfer, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal, including the treatment or neutralization of solid waste or hazardous waste, designed to change the physical, chemical, or biological character or composition of any solid waste or hazardous waste so as to neutralize such waste, or so as to recover energy or material from the waste or so as to render such waste nonhazardous, or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage, or reduced in volume. The transfer of solid waste for reuse or disposal as used in this definition does not include the actions of a transporter in conveying or transporting solid waste by truck, ship, pipeline, or other means. Unless the executive director determines that regulation of such activity is necessary to protect human health or the environment, the definition of processing does not include activities relating to those materials exempted by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§6901 *et seq.*, as amended.

30. On various dates after June 15, 2008, certain recyclable materials were processed in the tanks identified in Paragraph 20.

31. The recyclable materials identified in Paragraph 30 did not meet the exemption in 30 T.A.C. § 335.24(c)(4)(C) [40 C.F.R. § 261.6(a)(3)(iv)(C) because the hazardous wastes were not “oil-bearing hazardous wastes from petroleum refining, production, and transportation practices.”

32. The Respondent TD\*X processed (treated) hazardous waste as that term is defined in 30 T.A.C. § 335.1(122) [40 C.F.R. § 260.10] in the tanks identified in Paragraph 20.

33. To date, neither the Respondent USED nor Respondent TD\*X has applied for nor received a RCRA permit or interim status to allow the processing (treatment) of hazardous waste in the tanks identified in Paragraph 20.

34. Therefore, the Respondent USET and the Respondent TD\*X have violated Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)] by processing (treating) hazardous waste without a RCRA permit or interim status.

**Count Two – Processing Hazardous Waste Without a Permit or Interim Status**

35. Pursuant to Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)], a RCRA permit or interim status is required for the processing (treatment), storage, or disposal of hazardous waste.

36. “Hazardous waste” is defined in 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3] as “any solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§ 6901 *et seq.*”

37. “Recyclable materials” is defined in 30 T.A.C. §335.24(a) [40 C.F.R. § 261.6(a)(1)] as “hazardous wastes that are recycled”.

38. The Respondent USET receives “hazardous waste” from off-site generators, as that term is defined by 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3].



39. The Respondent USET receives “recyclable materials” from off-site generators, as that term is defined by 30 T.A.C. § 335.24(a) [40 C.F.R. § 261.6(a)(1)].

40. Recyclable materials destined for oil reclamation are transferred to the Respondent TD\*X by the Respondent USET.

41. On various dates after June 15, 2008, certain recyclable materials were fed into the TDU that did not meet the exemption in 30 T.A.C. § 335.24(c)(4)(C) [40 C.F.R. § 261.6(a)(3)(iv)(C) because the hazardous wastes were not “oil-bearing hazardous wastes from petroleum refining, production, and transportation practices.”

42. Processing (treatment) is defined in 30 T.A.C. § 335.1(122) [40 C.F.R. § 260.10] as follows:

The extraction of materials, transfer, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal, including the treatment or neutralization of solid waste or hazardous waste, designed to change the physical, chemical, or biological character or composition of any solid waste or hazardous waste so as to neutralize such waste, or so as to recover energy or material from the waste or so as to render such waste nonhazardous, or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage, or reduced in volume. The transfer of solid waste for reuse or disposal as used in this definition does not include the actions of a transporter in conveying or transporting solid waste by truck, ship, pipeline, or other means. Unless the executive director determines that regulation of such activity is necessary to protect human health or the environment, the definition of processing does not include activities relating to those materials exempted by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§6901 *et seq.*, as amended.

43. Thermal processing (thermal treatment) is defined in 30 T.A.C. § 335.1(149) [40 C.F.R. § 260.10] as follows:

the processing of solid waste or hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the solid waste or hazardous waste. Examples of thermal processing are incineration, molten salt, pyrolysis, calcination, wet air

oxidation, and microwave discharge. (See also “incinerator” and “open burning.”).

44. The TDU uses heat from an indirect heated rotary dryer to separate the organic constituents from the hazardous waste feed material. A nitrogen carrier gas is used to transfer the vapor phase organic constituents to a gas treatment system. The oil is recovered by condensing vapor phase organic constituents in the gas treatment system. A portion of the TDU’s recirculating nitrogen carrier gas, along with non-condensable gases, is vented, filtered, and then injected into the combustion chamber of the TDU, where it is burned.

45. The separation of the organic constituents from the hazardous waste in the TDU’s indirectly heated rotary dryer constitutes thermal processing (thermal treatment) as that term is defined in 30 T.A.C. § 335.1(149) [40 C.F.R. § 260.10].

46. To date, neither the Respondent USET nor Respondent TD\*X has applied for nor received a RCRA permit or interim status to allow the thermal processing (thermal treatment) of hazardous waste in the TDU.

47. Therefore, the Respondent USET and the Respondent TD\*X have violated Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)] by thermally processing (thermally treating) hazardous waste without a RCRA permit or interim status.

### **Count Three - Processing Hazardous Waste Without a Permit or Interim Status**

48. Pursuant to Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)], a RCRA permit or interim status is required for the processing (treatment), storage, or disposal of hazardous waste.

49. “Hazardous waste” is defined in 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3] as “any solid waste identified or listed as a hazardous waste by the administrator of the United States

Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§ 6901 *et seq.*”

50. The Respondent USET receives “hazardous waste” from off-site generators, as that term is defined by 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3].

51. Hazardous wastes destined for oil reclamation are transferred to the Respondent TD\*X by the Respondent USET.

52. On various dates after June 15, 2008, hazardous wastes were fed into the TDU.

53. The TDU uses heat from an indirect heated rotary dryer to separate the organic constituents from the hazardous waste feed material. A nitrogen carrier gas is used to transfer the vapor phase organic constituents to a gas treatment system. The oil is recovered by condensing vapor phase organic constituents in the gas treatment system. A portion of the TDU’s recirculating nitrogen carrier gas, along with non-condensable gases, is vented, filtered, and then injected into the combustion chamber of the TDU, where it is burned.

54. Processing (treatment) is defined in 30 T.A.C. § 335.1(122) [40 C.F.R. § 260.10] as follows:

The extraction of materials, transfer, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal, including the treatment or neutralization of solid waste or hazardous waste, designed to change the physical, chemical, or biological character or composition of any solid waste or hazardous waste so as to neutralize such waste, or so as to recover energy or material from the waste or so as to render such waste nonhazardous, or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage, or reduced in volume. The transfer of solid waste for reuse or disposal as used in this definition does not include the actions of a transporter in conveying or transporting solid waste by truck, ship, pipeline, or other means. Unless the executive director determines that regulation of such activity is necessary to protect human health or the environment, the definition of processing does not include activities relating to those materials exempted by the administrator of the United States Environmental Protection Agency in

accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§6901 *et seq.*, as amended.

55. Thermal processing (thermal treatment) is defined in 30 T.A.C. § 335.1(149)

[40 C.F.R. § 260.10] as follows:

the processing of solid waste or hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the solid waste or hazardous waste. Examples of thermal processing are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge. (See also “incinerator” and “open burning.”)

56. The burning of gases in the TDU’s combustion chamber constitutes thermal processing (thermal treatment) as that term is defined in 30 T.A.C. § 335.1(149)

[40 C.F.R. § 260.10].

57. The combustion chamber of the TDU is an enclosed device that uses controlled flame combustion.

58. The combustion chamber of the TDU does not meet the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor is listed as an industrial furnace; nor meets the definition of infrared incinerator or plasma arc incinerator.”

59. To date, neither the Respondent USET nor Respondent TD\*X has applied for nor received a RCRA permit or interim status to allow the thermal processing (thermal treatment) of hazardous waste in the combustion chamber of the TDU.

60. Therefore, the Respondent USET and the Respondent TD\*X have violated and continue to violate Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e) and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)] by thermally processing (thermally treating) hazardous waste without a RCRA permit or interim status.

**Count Four – Storing Hazardous Waste Without a Permit Or Interim Status**

61. Pursuant to Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)], a RCRA permit or interim status is required for the processing (treatment), storage, or disposal of hazardous waste.

62. “Storage” is defined in 30 T.A.C. § 335.1(143) [40 C.F.R. § 260.10] as “the holding of solid waste for a temporary period, at the end of which the waste is processed, disposed of, recycled, or stored elsewhere.”

63. Between on or about March 9, 2010, and June 11, 2010, the Respondent USET stored roll-off boxes in the area called the “Y” at the facility.

64. The roll-off boxes identified in Paragraph 63 contained material which had entered the oil reclamation process and was being temporarily staged before undergoing subsequent stages of the reclamation process. The Respondent USET discontinued the use of the area called the “Y” for this purpose.

65. “Hazardous waste” is defined in 30 T.A.C. § 335.1(69) [40 C.F.R. § 261.3] as “any solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§ 6901 *et seq.*”

66. The roll-off boxes identified in Paragraph 63 contained “hazardous waste” as that term is defined in T.A.C. § 335.1(69) [40 C.F.R. § 261.3].

67. The Respondent USET had not applied for nor received a RCRA permit or interim status to allow the storage of hazardous waste at the area called the “Y”.

68. Therefore, the Respondent USET has violated Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 30 T.A.C. § 335.43(a) [40 C.F.R. § 270.1(b)] by storing hazardous waste without a RCRA permit or interim status.

### **III. COMPLIANCE ORDER**

69. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), the Respondents are hereby **ORDERED** to take the following actions and provide evidence of compliance within the time period specified below:

#### **A. Interim Operating Requirements**

1. As of the effective date of this CAFO, feedstock for the oil reclamation unit shall consist only of non-hazardous waste, and oil-bearing hazardous waste from petroleum refining, production, and transportation practices. Oil-bearing hazardous waste from petroleum refining, production, or transportation practices includes the following listed hazardous waste from specific Petroleum Refining Sources (K049, K050, K051, K052, K169, and K170). Also acceptable is oil-bearing hazardous waste from processes which meet the definition of the following Standard Industrial Classification (SIC) codes and corresponding North American Industry Classification System (NAICS) codes (i.e., petroleum refining, production, and transportation practices) as follows:

| <b>SIC Code</b> | <b>SIC Description</b>  | <b>NAICS Code</b> | <b>NAICS Title</b>                            |
|-----------------|---|-------------------|---|
| 1311            | Crude Petroleum & Natural Gas   | 211111            | Crude Petroleum and Natural Gas Extraction    |
| 1321            | Natural Gas Liquids   | 211112            | Natural Gas Liquid Extraction                 |
| 1381            | Drilling Oil & Gas Wells  | 213111            | Drilling Oil and Gas Wells                    |
| 1382            | Oil & Gas Field Exploration Services (except geophysical mapping & surveying)       | 213112            | Support Activities for Oil & Gas Operations   |
| 1389            | Oil and Gas Field Services, NEC (except construction of field gathering lines, site | 213112            | Support Activities for Oil and Gas Operations |

|      |   |        |  |
|------|---|--------|--|
|      | preparation and related construction activities performed on a contract or fee basis)                   |        |  |
| 2911 | Petroleum Refining  | 324110 | Petroleum Refineries   |
| 4612 | Crude Petroleum Pipelines   | 486110 | Pipeline Transportation of Crude Oil   |
| 4613 | Refined Petroleum Pipelines   | 486910 | Pipeline Transportation of Refined Petroleum Products                                      |
| 4789 | Transportation Services, NEC (pipeline terminals and stockyards for transportation)                     | 488999 | All Other Support Activities for Transportation  |
| 4922 | Natural Gas Transmission  | 486210 | Pipeline Transportation of Natural Gas   |
| 4923 | Natural Gas Transmission and Distribution (distribution)  | 221210 | Natural Gas Distribution   |
| 4923 | Natural Gas Transmission and Distribution (transmission)  | 486210 | Pipeline Transportation of Natural Gas   |
| 5171 | Petroleum Bulk Stations and Terminals (except petroleum sold via retail method)                         | 488999 | All Other Support Activities for Transportation  |
| 5172 | Petroleum and Petroleum Products Wholesalers, Except Bulk Stations and Terminals (merchant wholesalers) | 424720 | Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals) |

2. Using feedstock from processes meeting the definition of the aforementioned SIC/NAICS Codes does not constitute compliance with 40 C.F.R. § 261.6(a)(3)(iv)(C) or this CAFO. The Respondents are required to make a separate determination whether the hazardous waste in question is “oil-bearing,” and that the hazardous waste was originally generated from petroleum refining, production, or transportation practices.

3. As of the effective date of this CAFO, when the dryer feed is on, the Respondents shall operate the TDU in accordance with the interim operating parameters set forth in Appendix 1, Table A, which is attached and incorporated by reference into this CAFO. The Blending Protocols referenced in Appendix 1 is attached as Appendix 2, and incorporated by reference into this CAFO.



4. As of the effective date of this CAFO, Respondents shall comply with the Start-Up, Shutdown, and Malfunction Plan (SSM Plan) (CDT Plan, Appendix E). The Compliance Demonstration Test (CDT) Plan is attached as Appendix 3 and incorporated by reference into the CAFO.

5. Within sixty (60) days of the effective date of this CAFO, the Respondents shall conduct a tune-up of the external combustion chamber of the TDU in accordance with the following requirements:

a. As applicable, inspect the burner and clean or replace any components of the burner as necessary. The burner inspection may be delayed until the next scheduled or unscheduled unit shutdown.

b. Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specification.

c. Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure that it is correctly calibrated and functioning properly.

d. Optimize total emissions of carbon monoxide (CO). This optimization should be consistent with the manufacturer's specifications, if available.

e. Measure the concentrations in the effluent stream of CO in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made.

Measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made.

f. Perform sampling and analysis of both dryer furnace stacks using Method TO-15, "Determination of Volatile Organic Compounds (VOCs) In Air Collected In Specially-Prepared Canisters And Analyzed By Gas Chromatography/Mass Spectrometry (GC/MS)". If the total



organic matter result is greater than 10 ppmV for either stack, the analysis shall include speciation of the gas. This information shall be included in the report required in Paragraph 69.A.5.g below.

g. Maintain on-site a report documenting the concentrations of CO in the effluent stream in parts per million by volume, and oxygen in volume present, measured before and after the adjustments of the external combustion chamber of the TDU, and a description of any corrective actions taken as part of the combustion adjustment.

h. Subsequent tune-ups shall be conducted annually until the TDU is reconfigured.

6. Within sixty (60) days of the effective date of this CAFO, the Respondents shall conduct a fuel specification analysis of the purge vent gas for mercury and document that it does not exceed the maximum concentration of 40 micrograms/cubic meter of mercury using test methods ASTM D5954, ASTM D6350, ISO 6978-1:2003(E), or ISO 6978-2:2003(E), or an alternate test method approved by EPA. If the concentration of mercury exceeds 40 micrograms/cubic meter, the Respondents shall immediately notify EPA.

7. Within ninety (90) days of the effective date of this CAFO, the Respondents shall install, monitor, and operate an automatic hazardous waste feed cutoff (AWFCO) at the TDU in accordance with 40 C.F.R. § 63.1206(c)(3)(ii) and (iv) that immediately and automatically cuts off the hazardous waste feed when any component of the AWFCO system fails, or when one or more of the interim operating parameters set forth in Appendix 1, Table A that are designated as AWFCO parameters are not met. The Respondents shall also comply with the investigation, recordkeeping, testing, and reporting requirements of 40 C.F.R. § 63.1206(c)(3)(v), (vi) and (vii).

8. Within one year of the effective date of this CAFO, the Respondents shall reconfigure the TDU so that the non-condensable vent gases are routed to a thermal oxidizing unit (TOU)

instead of the combustion chamber of the TDU (Reconfigured TDU). After reconfiguration, fuel for the TDU is limited to natural gas and propane.

9. The Respondents shall operate the Reconfigured TDU during the shakedown period in accordance with the operating parameters limits set forth in Appendix 1, Table B when the dryer feed is on. The Respondent shall not operate the Reconfigured TDU more than 720 hours (including the shakedown period and the Compliance Demonstration Test). The Respondents shall keep records of the hours of operation during the shakedown period. The Respondents shall operate a continuous emissions monitor system (CEMS) for carbon monoxide (CO) for the TOU during the shakedown period. The Respondents shall operate the Reconfigured TOU in a manner that the hourly rolling averages for CO are not exceeded. The rolling averages shall be calculated in accordance with 40 C.F.R. §§ 63.1209(a)(6) and 63.1209(b)(5).

10. During the shakedown period, the Respondents shall monitor and operate an automatic hazardous waste feed cutoff (AWFCO) at the Reconfigured TDU in accordance with 40 C.F.R. § 63.1206(c)(ii) and (iv) that immediately and automatically cuts off the hazardous waste feed when any component of the AWFCO system fails, or when one or more of the operating parameter limits set forth in Appendix 1, Table B that are designated as AWFCO parameters are not met. The Respondents shall also comply with the investigation, recordkeeping, testing, and reporting requirements of 40 C.F.R. § 63.1206(c)(3) (v), (vi) and (vii).

11. The Respondents shall conduct a test measuring the concentration of CO in the exhaust gases from the TOU. This test shall include three one-hour runs during which the TDU is operated on oil-bearing hazardous waste. The emissions from the TOU stack shall be monitored for carbon monoxide and oxygen using EPA Method 10. The emissions shall be

demonstrated to be less than 100 ppmV CO corrected to 7% O<sub>2</sub> in each run. The test frequency shall be once during each six-month period, January 1 – June 30 and July 1 - December 31, said time period to commence after conducting the CDT and continuing until the TCEQ issues a RCRA Subpart X permit for the Reconfigured TDU. Within forty-five (45) days after conducting the test, the Respondents shall submit a test report to EPA summarizing the test results. The time periods for conducting the test may be changed to once during each twelve (12) month calendar period, January 1 - December 31, if the Respondents submit to EPA, with a copy to TCEQ, a detailed feed stream analysis plan that characterizes the waste received by the facility, and EPA approves the plan. The detailed feedstream analysis plan shall be prepared in accordance with 40 C.F.R. § 264.13 and the EPA Guidance Document “Waste Analysis At Facilities That Generate, Treat, Store, And Dispose of Hazardous Waste”, OSWER 9938.4-03 (April 1994). The Respondents will implement the detailed feedstream analysis plan, as approved or modified by EPA, immediately upon receipt of EPA’s approval.

12. The Respondents shall prepare a report for the time period beginning on the effective date of this CAFO and ending June 30, 2013, and every six (6) months thereafter. The report shall be submitted to EPA, with a copy to TCEQ, within thirty (30) days of the end of the reporting period. The report shall include the following:

a. For each waste stream accepted by the oil reclamation unit, identify the customer, original generator, waste stream description, RCRA waste codes, the SIC or NAICS code of the process generating the waste, a summary of any analyses conducted by the Respondents to verify the waste stream profiles, and the total volume of waste accepted during the reporting period. If requested by EPA, the Respondents shall provide copies of relevant waste approval documents and manifests for the specific waste streams.

b. All time periods in which there were exceedances of the operating parameters and the AWFCO requirements set forth in Appendix 1, Tables A and B, and exceedances of the hourly rolling averages for CO (Paragraph 69.A.9).

c. All exceedances of the Reconfigured TDU Compliance Standards and the AWFCO requirements established in accordance with Paragraph 69.C.9.

d. The initial Report shall include documentation showing that the tune-up and fuel specification analysis required by Paragraphs 69.A.5 and 69.A.6 have been conducted, and provide documentation showing the date of installation and subsequent operation of the AWFCO system required by Paragraphs 69.A.7.

e. Documentation showing the installation of the TOU required by Paragraph 69.A.8, and the additional AWFCO requirements required by Appendix 1, Table B (Paragraph 69.A.10).

The Report may be submitted in an electronic format (i.e., compact disk). The Respondents may claim the report as confidential business information (CBI), in accordance with the requirements of 40 C.F.R. Part 2. However, information that is emissions data or a standard or limitation cannot be claimed as CBI. 40 C.F.R. § 2.301(e). If the Report contains any information that is claimed CBI, the Respondents shall provide a redacted version with all CBI deleted.

## **B. RCRA Permit Modification**

1. Within one year of the effective date of this CAFO, the Respondents shall submit to TCEQ, with a copy to EPA, an application for a Class 3 RCRA Permit Modification to permit the Reconfigured TDU as a miscellaneous unit under 40 C.F.R. Part 264, Subpart X in accordance with 30 T.A.C. § 335.152(a)(16) [40 C.F.R. Part 264, Subpart X], 30 T.A.C. Chapter 305 [40 C.F.R. §§ 270.10 – 270.14, 270.19, 270.23, and 270.30 – 270.33].

2. The permit application shall also include relevant requirements of 40 C.F.R. Part 264, Subparts I through O and AA through CC, 40 C.F.R. Part 270, and 40 C.F.R. Part 63, Subpart EEE that are appropriate for the operation of the Reconfigured TDU, including an engineering report, waste analysis, monitoring and inspection requirements, and closure requirements set forth in 30 T.A.C. § 335.152(a)(13) [40 C.F.R. §§ 264.341, 264.347, and 264.351].

3. The Respondents shall also request that the issued RCRA permit modification include the following:

- a. The feedstock limitations applicable to the operation of the oil reclamation unit under 40 C.F.R. § 261.6(a)(3)(iv)(C) set forth in Paragraph 69.D;
- b. The investigation, recordkeeping, testing, and reporting requirements of 40 C.F.R. § 63.1206(c)(3) (v), (vi) and (vii);
- c. Appropriate recordkeeping and reporting requirements; and
- d. Any applicable risk-based terms and conditions necessary to protect human health and the environment.

4. The failure to timely submit a Class 3 Permit Modification to TCEQ and EPA within the deadline set forth in Paragraph 69.B.1 shall result in the termination of the Respondents' authorization to operate the Reconfigured TDU on that date unless that deadline has been extended pursuant to Section IV.F (Force Majeure).

5. By no later than three and one-half years (42 months) from the effective date of this CAFO, the Respondents must complete all permitting requirements and obtain issuance from the TCEQ of a final RCRA Subpart X permit for the TDU as a Subpart X – Miscellaneous Unit in accordance with 30 T.A.C. § 335.152(a)(16) [40 C.F.R. Part 264, Subpart X], 30 T.A.C. Chapter 305 [40 C.F.R. §§ 270.10 – 270.14, 270.19, 270.23, and 270.30 – 270.33], and which

incorporates the appropriate requirements of 40 C.F.R. Part 264, Subparts I through O and AA through CC, 40 C.F.R. Part 270, and 40 C.F.R. Part 63, Subpart EEE. In the event that TCEQ does not issue a RCRA Subpart X permit for the Reconfigured TDU as described above by the above deadline, the Respondents' authorization to operate the Reconfigured TDU terminates on that date, unless that deadline has been extended pursuant to Section IV.F (Force Majeure).

### **C. Compliance Demonstration Test**

1. The Respondents shall perform a compliance demonstration test (CDT) in accordance with the approved CDT Plan, which is attached as Appendix C and incorporated by reference into the CAFO. The CDT requires the Respondents to demonstrate compliance with the emissions limits of 40 C.F.R. § 63.1219(b) set forth in Paragraph C.5, the destruction and removal efficiency standard of 40 C.F.R. § 63.1219(c)(1) set forth in Paragraph C.4, and establish limits for the operating parameters set forth in Paragraph 69.C.6 (Appendix 1, Table C).

2. Within sixty (60) days of the effective date of this CAFO, the Respondents shall submit to EPA for approval, with a copy to TCEQ, a Quality Assurance Project Plan (QAPP) for the CDT. The QAPP shall be prepared in accordance with the EPA Region 6 Guidance "Quick Reference Guide, Test Burn Program Planning for Hazardous Waste Combustion (HWC) Units" dated August 6, 2012. The Respondents shall implement the QAPP as approved or modified by EPA.

3. The Respondents shall implement the CDT in accordance with Appendix 3 within ninety (90) days after reconfiguration of the TDU pursuant to Paragraph 69.A.8 of this CAFO.

4. During the CDT, the Respondents must achieve a destruction and removal efficiency (DRE) of 99.99% for toluene, the designated principle organic hazardous constituent (POHC). The DRE shall be calculated in accordance with 40 C.F.R. § 63.1219(c)(1).

5. The emission limits that must be met during the CDT are set forth in 40 C.F.R. § 63.1219(b).

6. The operating parameters limits that will be established during the CDT are set forth in Appendix 1, Table C.

7. The Respondents must not exceed the emission limits set forth in 40 C.F.R. § 63.1219(b), and must achieve a DRE of 99.99% for toluene [as set forth in 40 C.F.R. § 63.1219(c)] for all three runs in order to have a successful CDT. If the Respondents determine, based on the results of analyses of stack samples, that they have exceeded any emission standard or failed to meet the DRE requirement during any of the three runs, they must immediately cease processing hazardous waste in the Reconfigured TDU. The Respondents must make this determination within forty-five (45) days following completion of the CDT. The Respondents may not resume operation of the Reconfigured TDU until the Respondents have submitted and received EPA approval of a revised CDT plan, at which time operations can resume to demonstrate compliance with the emission limits and DRE requirements during all of the three runs.

8. All analyses required by the CDT plan shall be performed by a NELAC accredited laboratory or by a laboratory pre-approved by TCEQ.

9. Within ninety (90) days from completion of the CDT, the Respondents shall submit a CDT Report to EPA and TCEQ prepared in accordance with requirements in the CDT Plan, documenting compliance with the DRE standard and emission limits set forth in Paragraphs 69.C.4 and 69.C.5, and identifying operating parameter limits and AWFCO settings for the parameters set forth in Appendix 1, Table C. The DRE standard, emission limits, operating parameter limits, and the AWFCO settings shall also be set forth in a separate Appendix entitled

“Reconfigured TDU Compliance Standards”. All data collected during the CDT (including, but not limited to, field logs, chain-of-custody documentation, monitoring data, sampling and analytical results, and any other data or calculations supporting the emissions calculations or operating parameter limits) must be submitted to EPA and TCEQ as part of the CDT Report. However, information in the CDT Report that is emissions data or a standard or limitation cannot be claimed as CBI. 40 C.F.R. § 2.301(e). If the Report contains any information that is claimed CBI, the Respondents shall provide a redacted version with all CBI deleted.

10. As of the date of the submission of the CDT Report, the Respondent shall comply with all operating requirements set forth in the “Reconfigured TDU Compliance Standards”, unless otherwise notified by EPA.

11. EPA will review the CDT Report. EPA will make a finding concerning compliance with the emissions standards, DRE requirements, and other requirements of the CDT. If EPA determines that the Respondents have met all the requirements, it shall issue a Finding of Compliance to the Respondents. If EPA determines that the Respondents did not meet all of the requirements, it shall issue a Finding of Non-Compliance. Subject to Paragraph 69.C.7 of this CAFO, the issuance of a Finding of Non-Compliance by EPA shall result in the termination of the Respondents’ authorization to operate the Reconfigured TDU on that date.

12. The failure to timely submit a CDT Report to EPA and TCEQ within ninety (90) days from completion of the CDT shall result in the termination of the Respondents’ authorization to operate the Reconfigured TDU on that date, unless that deadline has been extended pursuant to Section IV.F (Force Majeure).



**D. Compliance with 40 C.F.R. § 261.6(a)(3)(iv)(C)**

1. Unless the TDU and the tanks identified in Paragraph 20 are authorized by the RCRA Permit Modification required by Section III.B of this CAFO (or any subsequent permit amendment) to receive wastes that do not meet the requirements set forth in 40 C.F.R. § 261.6(a)(3)(iv)(C), feedstock for the oil reclamation unit shall consist only of non-hazardous waste, and oil-bearing hazardous waste from petroleum refining, production, and transportation practices. Oil-bearing hazardous waste from petroleum refining, production, or transportation practices includes the following listed hazardous waste from specific Petroleum Refining Sources (K049, K050, K051, K052, K169, and K170). Also acceptable is oil-bearing hazardous waste from processes which meet the definition of the following Standard Industrial Classification (SIC) codes and corresponding North American Industry Classification System (NAICS) codes (i.e., petroleum refining, production, and transportation practices) as follows:

| SIC Code | SIC Description   | NAICS Code | NAICS Title   |
|----------|---|------------|---|
| 1311     | Crude Petroleum & Natural Gas   | 211111     | Crude Petroleum and Natural Gas Extraction            |
| 1321     | Natural Gas Liquids   | 211112     | Natural Gas Liquid Extraction                         |
| 1381     | Drilling Oil & Gas Wells  | 213111     | Drilling Oil and Gas Wells                            |
| 1382     | Oil & Gas Field Exploration Services (except geophysical mapping & surveying)   | 213112     | Support Activities for Oil & Gas Operations           |
| 1389     | Oil and Gas Field Services, NEC (except construction of field gathering lines, site preparation and related construction activities performed on a contract or fee basis) | 213112     | Support Activities for Oil and Gas Operations         |
| 2911     | Petroleum Refining  | 324110     | Petroleum Refineries                                  |
| 4612     | Crude Petroleum Pipelines   | 486110     | Pipeline Transportation of Crude Oil                  |
| 4613     | Refined Petroleum Pipelines   | 486910     | Pipeline Transportation of Refined Petroleum Products |

|      |   |        |  |
|------|---|--------|--|
| 4789 | Transportation Services, NEC (pipeline terminals and stockyards for transportation)                     | 488999 | All Other Support Activities for Transportation  |
| 4922 | Natural Gas Transmission  | 486210 | Pipeline Transportation of Natural Gas   |
| 4923 | Natural Gas Transmission and Distribution (distribution)  | 221210 | Natural Gas Distribution   |
| 4923 | Natural Gas Transmission and Distribution (transmission)  | 486210 | Pipeline Transportation of Natural Gas   |
| 5171 | Petroleum Bulk Stations and Terminals (except petroleum sold via retail method)                         | 488999 | All Other Support Activities for Transportation  |
| 5172 | Petroleum and Petroleum Products Wholesalers, Except Bulk Stations and Terminals (merchant wholesalers) | 424720 | Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals) |

Nothing in this Section III.D shall be construed to preclude Respondents from seeking authorization from the TCEQ to process oil-bearing materials outside the scope of 40 C.F.R. § 261.6(a)(3)(iv)(C). However, the definition of oil-bearing hazardous waste from petroleum refining, production, or transportation practices set forth in this Paragraph shall remain the same.

2. Using feedstock from processes meeting the definition of the aforementioned SIC/NAICS Codes does not constitute compliance with 40 C.F.R. § 261.6(a)(3)(iv)(C) or this CAFO. The Respondents are required to make a separate determination whether the hazardous waste in question is “oil-bearing,” and that the hazardous waste was originally generated from petroleum refining, production, or transportation practices. The Respondents shall request that this provision be placed in the issued RCRA permit as applicable to the oil reclamation unit operation under 40 C.F.R. § 261.6(a)(3)(iv)(C).

#### **E. TCEQ Submission, Revision, and Approval Process**

1. For the Class 3 RCRA Permit Modification required be submitted to TCEQ for approval under this CAFO, TCEQ will review the application in accordance with 30 T.A.C.

§§ 281.3(c), 281.18 and 281.19(a) and (b). The Respondents must respond to any Notice of Deficiency (NOD), with a copy to EPA, within the time period specified by the TCEQ. In the event that the Respondents fail to submit a timely and complete NOD response, the Respondents' authorization to operate the TDU shall terminate on the NOD response deadline unless that deadline has been extended pursuant to Section IV.F (Force Majeure).

#### **F. Additional Conditions**

1. To comply with this CAFO, the Respondents must obtain a RCRA permit for the TDU as a Subpart X – Miscellaneous Unit in accordance with 30 T.A.C. § 335.152(a)(16) [40 C.F.R. Part 264, Subpart X], 30 T.A.C. Chapter 305 [40 C.F.R. §§ 270.10 – 270.14, 270.19, 270.23, and 270.30 – 270.33], and which incorporates the appropriate requirements of 40 C.F.R. Part 264, Subparts I through O and AA through CC, and 40 C.F.R. Part 270, and 40 C.F.R. Part 63, Subpart EEE.

2. The Respondents may seek relief under the provisions of Section IV.F of this CAFO (Force Majeure) for any delay in the performance of any such obligations resulting from a failure to obtain, or a delay in obtaining, any permit or approval required to fulfill such obligation, if the Respondent has submitted a timely and complete application and has taken all other actions necessary to obtain such permit or approval.

#### **G. EPA Review and Comment on RCRA Permit**

1. Nothing in this CAFO shall limit EPA's rights under applicable environmental laws or regulations, including, but not limited to, Section 3005(c)(3) of RCRA, 42 U.S.C. § 6925(c)(3), 40 C.F.R. § 270.32 and 40 C.F.R. § 271.19, to review, comment, and incorporate appropriate requirements of 40 C.F.R. Parts 264, Subparts I through O and Subparts AA through CC, and

40 C.F.R. Part 63, Subpart EEE directly into the permit or establish other permit conditions that are based on those parts; or take action under Section 3008(a)(3) of RCRA, 42 U.S.C.

§ 6928(a)(3), against the Respondents on the ground that the RCRA permit for the Reconfigured TDU does not comply with a condition that the EPA Region 6 Regional Administrator in commenting on the permit application or draft permit stated was necessary to implement approved State program requirements, whether or not that condition was included in the issued permit. If the Respondent disputes an action taken by EPA pursuant to 40 C.F.R. § 270.32 or 40 C.F.R. § 271.19, the Defendant may invoke Dispute Resolution in accordance with Section IV.E of this CAFO.

#### **H. Submissions**

In all instances in which this Compliance Order requires written submissions to EPA and TCEQ, each submission must be accompanied by the following certification:

“I certify under penalty of law to the best of my knowledge and belief, that the information contained in or accompanying this submission is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

All submissions must be certified on behalf of the Respondent(s) by the signature of a person authorized to sign a permit application or a report under 40 C.F.R. § 270.11.

#### **I. Monitoring, Recordkeeping, and Record Retention Requirements**

1. Upon the effective date of this CAFO, all interim operating parameters (Appendix 1, Table A), shakedown operating parameters (Appendix 1, Table B), and final operating parameters limits (Appendix 1, Table C and Paragraph 69.C.6) subject to AWFCO limits shall be monitored by the facility's Continuous Process Monitoring System (CPMS), which records data once per minute in an electronic data log (DLG). In addition, the Respondents shall keep copies

of all documents relating to compliance with the operating parameters limits not monitored by the CPMS, and all other documents relating to compliance with Section III of this CAFO. All records, including electronic records, shall be kept for a period of one year after termination of the CAFO. These monitoring and recordkeeping requirements are in addition to any other monitoring and/or recordkeeping requirements required by federal, state, or local laws, regulations, or permits. This information shall be made available to EPA and TCEQ upon request.

2. In addition, the Respondents shall preserve, for a period of one year after termination of the CAFO, all records and documents in its possession or in the possession of its divisions, employees, agents, contractors, or successors which in any way relate to this CAFO regardless of any document retention policy to the contrary. This information shall be made available to EPA and TCEQ upon request.

#### **J. EPA Approval of Submissions**

EPA will review the plans set forth in Paragraphs 69.A.11 (if applicable) and 69.C.2, and notify the Respondents in writing of EPA's approval or disapproval of the plan or any part thereof. Within the time specified, the Respondents shall address the deficiencies and submit a revised plan. EPA will approve, disapprove, or modify the revised submittal. EPA approved plans shall be incorporated by reference into this CAFO.

### **IV. TERMS OF SETTLEMENT**

#### **A. CIVIL PENALTY**

70. Pursuant to the authority granted in Section 3008 of RCRA, 42 U.S.C. § 6928, and upon consideration of the entire record herein, including the Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, and upon consideration of the

seriousness of the alleged violations, the Respondents' good faith efforts to comply with the applicable regulations, and the June 2003 RCRA Civil Penalty Policy, it is hereby **ORDERED** that the Respondent U.S. Ecology Texas, Inc. be assessed a civil penalty of **ONE HUNDRED SIXTY-FIVE THOUSAND, SIX HUNDRED FIFTY-SEVEN DOLLARS (\$165,657)**, and the Respondent TD\*X Associates L.P. be assessed a civil penalty of **SIX HUNDRED TWENTY-TWO THOUSAND, FOUR HUNDRED SIXTY-THREE DOLLARS (\$622,463)**. The Respondent USET shall pay the assessed civil penalty within thirty (30) days of the effective date of this CAFO. The Respondent TD\*X Associates L.P. shall pay the assessed civil penalty in four (4) payments as follows:

Payment No. 1: \$157,978.35 within thirty (30) days of the effective date of this CAFO.

Payment No. 2: \$157,978.35 (\$153,268.99 civil penalty plus interest of \$4,709.36) within one year of the effective date of this CAFO.

Payment No. 3: \$157,978.35 (\$154,822.97 civil penalty plus interest of \$3,155.38) within two years of the effective date of this CAFO.

Payment No. 4: \$157,978.34 (\$156,392.69 civil penalty plus interest of \$1,585.65) within three years of the effective date of this CAFO.

71. The Respondents shall pay the assessed civil penalty by certified check, cashier's check, or wire transfer, made payable to "Treasurer, United States of America, EPA - Region 6". Payment shall be remitted in one of three (3) ways: regular U.S. Postal mail (including certified mail), overnight mail, or wire transfer. For regular U.S. Postal mail, U.S. Postal Service certified mail, or U.S. Postal Service express mail, the check(s) should be remitted to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

For overnight mail (non-U.S. Postal Service, e.g. Fed Ex), the check(s) should be  
remitted to:

U.S. Bank  
Government Lockbox 979077  
US EPA Fines & Penalties  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, MO 63101  
Phone No. (314) 418-1028

For wire transfer, the payment should be remitted to:

Federal Reserve Bank of New York  
ABA: 021030004  
Account No. 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, NY 10045  
Field Tag 4200 of the Fedwire message should read  
"D 68010727 Environmental Protection Agency"

**PLEASE NOTE: Docket numbers RCRA-06-2012-0936 (Respondent USET) and RCRA-06-2012-0937 (Respondent TD\*X) shall be clearly typed on the respective checks to ensure proper credit.** If payment is made by check, the check shall also be accompanied by a transmittal letter and shall reference the Respondent's name and address, the case name, and docket number of the CAFO. If payment is made by wire transfer, the wire transfer instructions shall reference the Respondent's name and address, the case name, and docket number of the CAFO. The Respondents shall also send a simultaneous notice of such payment, including a copy of the check and transmittal letter, or wire transfer instructions to the following:

Chief, Compliance Enforcement Section (6EN-HE)  
Hazardous Waste Enforcement Branch  
U.S. EPA, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

Lorena Vaughn  
Regional Hearing Clerk (6RC-D)  
U.S. EPA, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

The Respondents' adherence to this request will ensure proper credit is given when penalties are received in the Region.

72. The Respondents agree not to claim or attempt to claim a federal income tax deduction or credit covering all or any part of the civil penalty paid to the United States Treasurer.

73. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue thirty (30) days after the effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid by the respective due date. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a). Moreover, the costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. *See* 40 C.F.R. § 13.11(b).

74. EPA will also assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) day period that the penalty remains unpaid. In addition, a



penalty charge of up to six percent per year will be assessed monthly on any portion of the debt which remains delinquent more than ninety (90) days. *See* 40 C.F.R. § 13.11(c). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. *See* 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

**B. PARTIES BOUND**

75. The provisions of this CAFO shall apply to and be binding upon the parties to this action, their officers, directors, agents, employees, successors, and assigns. The undersigned representative of each party to this CAFO certifies that he or she is fully authorized by the party whom he or she represents to enter into the terms and conditions of this CAFO and to execute and to legally bind that party to it.

**C. ADDITIONAL REQUIREMENTS**

76. The Respondents shall undertake the following additional requirements:

A. The Respondents agree that the oil reclamation unit and the TDU are subject to the requirements of 40 C.F.R. Part 61, Subpart FF.

B. Within thirty (30) days of the effective date of the CAFO, the Respondents shall submit to EPA a certification that the following equipment in the oil reclamation unit and the TDU is not in “volatile hazardous air pollutant” (VHAP) service, as that term is defined by 40 C.F.R. § 61.241:

1. pumps;
2. compressors;
3. pressure relief devices;
4. sampling connection systems;
5. open-ended valves or lines;

6. valves;
7. connectors;
8. surge control vessels;
9. bottoms receivers; and
10. control devices and systems.

This certification shall be submitted in accordance with Paragraphs 76.H and 76.I.

C. Pursuant to 40 C.F.R. § 61.354(c), as of the effective date of this CAFO, the Respondents shall install, calibrate, maintain, and operate according to manufacturer's specifications, devices to continuously monitor the control devices operations required by 40 C.F.R. § 61.349.

D. Pursuant to 40 C.F.R. § 61.345(a), within 180 days of the effective date of the CAFO, the Respondents shall install, operate, and maintain covers on Bins 1, 2, 3, 4, and the Centrifuge solid bins that meet the requirements of 40 C.F.R. § 61.345(a)(1). The cover and openings shall be in a closed, sealed position at all times that waste is in the container except when it is necessary to use the opening for waste loading, removal, inspection or sampling, as required by 40 C.F.R. § 61.345(a)(1)(ii). The Respondents shall monitor the cover and all openings for no detectable emissions initially and thereafter at least once per year by the methods specified in 40 C.F.R. § 61.355(h).

E. The Respondents shall use a submerged fill pipe when transferring waste into the containers by pumping, as required by 40 C.F.R. § 61.345(a)(2).

F. Within ninety (90) days after the reconfiguration of the TDU pursuant to Paragraph 69.A.8 of this CAFO, the Respondents shall conduct performance tests for the TOU and the carbon adsorption system to demonstrate compliance with the requirements of 40 C.F.R.

§ 61.349. The performance tests shall be conducted in accordance with the requirements of 40 C.F.R. § 61.355. A copy of the performance test results shall be submitted to EPA within ninety (90) days of completion of the performance tests. The performance tests results shall be submitted in accordance with Paragraphs 76.H and 76.I.

G. Within 210 days of the effective date of the CAFO, the Respondents shall submit a written report to EPA showing compliance with Paragraphs 76.C, 76.D, and 76.E.

H. The certification and report identified in this Section must be accompanied by the following certification:

"I certify under penalty of law to the best of my knowledge and belief, that the information contained in or accompanying this submission is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

All submissions must be certified on behalf of the Respondent(s) by the signature of a person authorized to sign a permit application or a report under 40 C.F.R. § 270.11.

I. The certification and report required under this Section shall be sent to the following:

Craig Lutz  
Toxics Enforcement Section (6EN-AT)  
Compliance Assurance and Enforcement Division  
U.S. EPA, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

#### **D. STIPULATED PENALTIES**

77. In addition to any other remedies or sanctions available to EPA, the Respondent(s) shall pay stipulated penalties in the following amounts for each day during which each failure or refusal to comply continues:

## a. Failure to Timely Submit Reports or Plans - Paragraphs 69.A.11, 69.A.12, and 69.C.2

| <u>Period of Noncompliance</u> | <u>Penalty Per Violation Per Day</u> |
|--------------------------------|--------------------------------------|
| 1st through 15th day           | \$ 1,000                             |
| 16th through 30th day          | \$ 1,500                             |
| 31st day and beyond            | \$ 2,500                             |

## b. Failure to Comply with Certain Interim Operating Requirements – Paragraphs 69.A.5, 69.A.6, 69.A.7 (installation of AWFCO only), 69A.8, and 69.A.11

| <u>Period of Noncompliance</u> | <u>Penalty Per Violation Per Day</u> |
|--------------------------------|--------------------------------------|
| 1st through 15th day           | \$ 1,500                             |
| 16th through 30th day          | \$ 2,500                             |
| 31st day and beyond            | \$ 5,000                             |

## c. Failure to Comply with any Other Provision of Section III of this CAFO

| <u>Period of Noncompliance</u> | <u>Penalty Per Violation Per Day</u> |
|--------------------------------|--------------------------------------|
| 1st through 15th day           | \$ 500                               |
| 16th through 30th day          | \$ 1,000                             |
| 31st day and beyond            | \$ 1,500                             |

## d. Failure to Comply with Additional Requirements – Section IV.C

| <u>Period of Noncompliance</u> | <u>Penalty Per Violation Per Day</u> |
|--------------------------------|--------------------------------------|
| 1st through 15th day           | \$ 1,500                             |
| 16th through 30th day          | \$ 2,500                             |
| 31st day and beyond            | \$ 5,000                             |

Penalties shall accrue from the date of the noncompliance until the date the violation is corrected, as determined by EPA.

78. The Respondent(s) shall pay stipulated penalties not more than fifteen (15) days after receipt of written demand by EPA for such penalties. Method of payment shall be in accordance with the provisions of Paragraph 71 herein. Interest and late charges shall be paid as stated in Paragraphs 73 - 74 herein.

79. Nothing in this agreement shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of the Respondent(s) violation of this CAFO or of the statutes and regulations upon which this agreement is based, or for the Respondent's violation of any applicable provision of law.

**E. DISPUTE RESOLUTION**

80. If the Respondents object to any decision or directive of EPA in regard to Section III or IV.C, the Respondents shall notify each other and the following persons in writing of its objections, and the basis for those objections, within thirty (30) calendar days of receipt of EPA's decision or directive:

Associate Director  
Hazardous Waste Enforcement Branch (6EN-H)  
Compliance Assurance and Enforcement Division  
U.S. EPA - Region 6  
1445 Ross Avenue  
Dallas, TX 75202-2733

Chief, RCRA Enforcement Branch (6RC-ER)  
Office of Regional Counsel  
U.S. EPA - Region 6  
1445 Ross Avenue  
Dallas, TX 75202-2733

81. The Associate Director of the Hazardous Waste Enforcement Branch or his/her designee (Associate Director), and the Respondents shall then have an additional thirty (30) calendar days from EPA's receipt of the Respondents' written objections to attempt to resolve the dispute. If an agreement is reached between the Associate Director and the Respondents, the agreement shall be reduced to writing and signed by the Associate Director and the Respondents and incorporated by reference into this CAFO.

82. If no agreement is reached between the Associate Director and the Respondents within that time period, the dispute shall be submitted to the Director of the Compliance

Assurance and Enforcement Division or his/her designee (Division Director). The Division Director and the Respondents shall then have a second 30-day period to resolve the dispute. If an agreement is reached between the Division Director and the Respondents, the resolution shall be reduced to writing and signed by the Division Director and the Respondents and incorporated by reference into this CAFO. If the Division Director and the Respondents are unable to reach agreement within this second 30-day period, the Division Director shall provide a written statement of EPA's decision to the Respondents, which shall be binding upon the Respondents and incorporated by reference into the CAFO.

83. If the Dispute Resolution process results in a modification of this CAFO, the modified CAFO must be approved by the Regional Judicial Officer and filed pursuant to Section IV.H (Modifications).

84. The invocation of dispute resolution procedures under this Section shall not extend, postpone, or affect in any way, any obligations of the Respondents under this CAFO, unless and until final resolution of the dispute so provides. Stipulated penalties with respect to the disputed matter shall continue to accrue from the first day of noncompliance, but payment shall be stayed pending resolution of the dispute. If the Respondents do not prevail on the disputed issue, stipulated penalties shall be assessed and paid as provided in Section IV.D.

#### **F. FORCE MAJEURE**

85. A "force majeure event" is any event beyond the control of the Respondents, their contractors, or any entity controlled by the Respondents that delays the performance of any obligation under this CAFO despite the Respondents' best efforts to fulfill the obligation. "Best efforts" includes anticipating any potential force majeure event and addressing the effects of any such event (a) as it is occurring and (b) after it has occurred, to prevent or minimize any resulting

delay to the greatest extent possible. "Force Majeure" does not include the Respondents' financial inability to perform any obligation under this CAFO, but does include any delays attributable to the TCEQ's permitting process and the conduct of the contested case hearing.

86. The Respondents shall provide notice orally or by electronic or facsimile transmission as soon as possible, but not later than 72 hours after the time the Respondents first knew of, or by the exercise of due diligence, reasonably should have known of, a claimed force majeure event. The Respondents shall also provide written notice, as provided in Section IV.G of this CAFO, within seven days of the time the Respondents first knew of, or by the exercise of due diligence, reasonably should have known of, the event. The notice shall state the anticipated duration of any delay; its cause(s); the Respondents' past and proposed actions to prevent or minimize any delay; a schedule for carrying out those actions; and the Respondents' rationale for attributing any delay to a force majeure event. Failure to give such notice shall preclude the Respondents from asserting any claim of force majeure.

87. The Respondent also shall provide notice orally or by electronic or facsimile transmission to the other Respondent not later than 24 hours after the time Respondent first knew of, or by the exercise of due diligence, reasonably should have known of, a claimed force majeure event, provided that the failure to give such notice shall not limit either Respondent's responsibilities under this CAFO.

88. If the Complainant agrees that a force majeure event has occurred, the Complainant may agree to extend the time for the Respondents to perform the affected requirements for the time necessary to complete those obligations. An extension of time to perform the obligations affected by a force majeure event shall not, by itself, extend the time to perform any other

obligation. Where the Complainant agrees to an extension of time, the appropriate modification shall be made pursuant to Section IV.H of this CAFO.

89. If the Complainant does not agree that a force majeure event has occurred, or does not agree to the extension of time sought by the Respondents, the Complainant's position shall be binding, unless the Respondents invokes Dispute Resolution under Section IV.D of this CAFO. In any such dispute, the Respondents bear the burden of proving, by a preponderance of the evidence, that each claimed force majeure event is a force majeure event; that the Respondents gave the notice required by the paragraph above, that the force majeure event caused any delay the Respondents' claimed was attributable to that event; and that the Respondents exercised their reasonable best efforts to prevent or minimize any delay caused by the event. If the Respondents carry this burden, the delay at issue shall be deemed not to be a violation of the affected obligation of this CAFO.

#### **G. NOTIFICATION**

90. Unless otherwise specified elsewhere in this CAFO, whenever notice is required to be given, whenever a report or other document is required to be forwarded by one party to another, or whenever a submission or demonstration is required to be made, it shall be directed to the individuals specified below at the addresses given (in addition to any action specified by law or regulation), unless these individuals or their successors give notice in writing to the other parties that another individual has been designated to receive the communication:

Complainant:

Chief, Compliance Enforcement Section (6EN-HE)  
Hazardous Waste Enforcement Branch  
U.S. EPA, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733